Also, a bill (H. R. 13639) granting an increase of pension to Abraham A. Gossett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13640) granting an increase of pension to Gideon B. Mahan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13641) granting an increase of pension to William F. Ross; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13642) granting an increase of pension to Levi T. E. Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13643) granting an increase of pension to William Frailey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13644) granting an honorable discharge to James Morris; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13645) granting an increase of pension to Jacob Bruder; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13646) granting an increase of pension to Daniel Banks; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13647) granting an increase of pension to James A. Beard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13648) granting an increase of pension to George A. Clevinger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13649) granting an honorable discharge to James Morris; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13650) granting an increase of pension to William M. Robinson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13651) granting an increase of pension to Lewis Dailey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13652) granting an honorable discharge to Morton Sessions; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13653) granting an honorable discharge to Jacob Barger; to the Committee on Military Affairs.

By Mr. JACOWAY: A bill (H. R. 13654) granting a pension to James C. Williams; to the Committee on Invalid Pensions.

By Mr. KAHN: A bill (H. R. 13655) for the relief of Drenzy A. Jones and John G. Hopper, joint contractors, for surveying Yosemite Park boundary and for damages for illegal arrest while making said survey; to the Committee on Claims.

By Mr. McKINLEY: A bill (H. R. 13656) granting a pension to Robert H. M. McFadden; to the Committee on Invalid Pensions.

By Mr. PUJO: A bill (H. R. 13657) for the relief of the legal representatives of John Calliham; to the Committee on War Claims.

By Mr. RAKER: A bill (H. R. 13658) granting an increase of pension to William H. Copper; to the Committee on Pensions.

By Mr. ROUSE: A bill (H. R. 13659) for the relief of Mrs. Sultana S. Farrell; to the Committee on Claims.

By Mr. SPARKMAN: A bill (H. R. 13660) granting a pension to James Duff; to the Committee on Pensions.

Also, a bill (H. R. 13661) granting a pension to Herbert Green; to the Committee on Pensions.

Also, a bill (H. R. 13662) granting a pension to James E. Whitehead; to the Committee on Pensions.

Also, a bill (H. R. 13663) granting an increase of pension to Calvin C. Collier; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13664) granting an increase of pension to John Walker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13665) granting an increase of pension to Stephen Phillips; to the Committee on Pensions.

By Mr. SWITZER: A bill (H. R. 13666) granting a pension to Rosa Baldwin; to the Committee on Invalid Pensions.

By Mr. THISTLEWOOD: A bill (H. R. 13667) granting an increase of pension to David Lee; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13668) granting an increase of pension to James B. Gordon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13669) granting an increase of pension to Jehu H. McLain, alias Michael McLain; to the Committee on Invalid Pensions.

By Mr. TOWNER: A bill (H. R. 13670) granting a pension to Martha E. Tadlock; to the Committee on Pensions.

By Mr. TALBOTT of Maryland: A bill (H. R. 13671) granting an increase of pension to William Thomas Hunt; to the Committee on Invalid Pensions.

By Mr. WARBURTON: A bill (H. R. 13672) granting an increase of pension to Van Ogle; to the Committee on Pensions.

Also, a bill (H. R. 13673) granting an increase of pension to Eligah A. Myers; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ESCH: Petition of citizens of Wisconsin in favor of legislation to forbid the shipment of liquor into "dry" States; to the Committee on Alcoholic Liquor Traffic.

By Mr. FULLER: Petition of citizens of Streator, Ill., urging the creation of a department of health; to the Committee on Interstate and Foreign Commerce.

By Mr. GOLDFOGLE: Resolutions of District Grand Lodge, No. 2, Independent Order B'nai B'rith, relating to Russia's refusal to honor passports of Jewish American citizens, and favoring abrogation of Russian treaty, as proposed by the Goldfogle-Harrison-Sulzer resolutions (H. J. Res. 5 and 30); to the Committee on Foreign Affairs.

By Mr. GRAHAM: Petition of Edmund Miller, of Rochester, Ill., asking for the passage of the Webb interstate-commerce bill; to the Committee on Interstate and Foreign Commerce.

By Mr. JACOWAY: Papers to accompany House bill 13205; to the Committee on Military Affairs.

Also papers to accompany House bills 13206, 13207, and 13214; to the Committee on Pensions.

Also, papers to accompany House bill 13213, granting an increase of pension to Albion Jackson; to the Committee on Invalid Pensions.

By Mr. KAHN: Resolutions of Lincoln Post, No. 1, Grand Army of the Republic, of San Francisco, Cal., against Senate bill 2925, appropriating $125,000 for a Confederate naval monument at Vicksburg, Miss.; to the Committee on Appropriations.

By Mr. KORBLY: Petition of James W. Duhamell and others, of Indianapolis, Ind., requesting an investigation into conditions at the Federal prison at Fort Leavenworth, Kans.; to the Committee on Military Affairs.

By Mr. MARTIN of South Dakota: Resolutions of Jack Foster Camp, No. 3, United Spanish War Veterans, Department of South Dakota, urging that pensions be granted honorably discharged veterans of the Spanish War, etc.; to the Committee on Invalid Pensions.

By Mr. PUJO: Affidavits in re claim of estate of James Calliham for horses, sugar, etc.; to the Committee on War Claims.

By Mr. RAKER: Papers to accompany House bill 5277, granting a pension to Arthur B. Brooks; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 12501, granting a pension to Zebina M. Hunt; to the Committee on Pensions.

By Mr. SHEPPARD: Papers to accompany House bill 13554, for the relief of the heirs of Simon Kirkpatrick, deceased; to the Committee on War Claims.

By Mr. STEPHENS of Texas: Petition of Keetoomah Band of Cherokee Indians, against the further enrollment of Indians of that tribe; to the Committee on Indian Affairs.

By Mr. WEBB: Petitions of citizens of Morganton and Kings Mountain, N. C., and of Jesse Herrell, of Ewart, N. C., asking for a reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

SENATE.

TUESDAY, *August 15, 1911.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The VICE PRESIDENT resumed the chair.

The Secretary proceeded to read the Journal of yesterday's proceedings when, on request of Mr. LODGE and by unanimous consent, the further reading was dispensed with, and the Journal was approved.

ENROLLED BILLS SIGNED.

The VICE PRESIDENT announced his signature to the following enrolled bills, which had heretofore been signed by the Speaker of the House of Representatives:

S. 2932. An act to authorize the Secretary of the Treasury, in his discretion, to sell the old post-office and courthouse building at Charleston, W. Va., and, in the event of such sale, to enter into a contract for the construction of a suitable post-office and courthouse building at Charleston, W. Va., without additional cost to the Government of the United States;

S. 3152. An act extending the time of payment to certain homesteaders in the Rosebud Indian Reservation, in the State of South Dakota; and

H. R. 2925. An act to extend the privileges of the act approved June 10, 1880, to the port of Brownsville, Tex.

EXECUTIVE SESSION.

Mr. LODGE. It is necessary to have an executive session for a very few minutes. It will take only a few minutes on a matter that is important. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 45 minutes spent in executive session the doors were reopened.

PRINTING OF GENERAL ARBITRATION TREATIES.

During the executive session, on motion of Mr. SMITH of Michigan, the injunction of secrecy was removed from the report of the Committee on Foreign Relations in regard to arbitration treaties, and it was ordered to be printed in the RECORD, as follows:

GENERAL ARBITRATION TREATIES—REPORT.

The Committee on Foreign Relations has reported to the Senate, with certain amendments, two treaties—one with Great Britain and one with France—for the general arbitration of differences which may arise between those countries and the United States, and have recommended that the treaties, thus amended, be ratified by the Senate. In accordance with the instructions of the Senate the committee now submits its report explaining the provisions of the treaties and the purpose and necessity of the amendments proposed. In order to understand thoroughly the nature of these treaties it is necessary to review briefly what has already been accomplished in the same direction and to make clear the character of the existing treaties on this subject which are to be superseded, and to point out the differences between the latter and those now before the Senate.

In 1905 Mr. Hay, then Secretary of State, negotiated with Great Britain and certain other powers general arbitration treaties, which were submitted to the Senate by President Roosevelt for its advice and consent. These treaties provided for the submission to arbitration of practically all questions which did not affect the "vital interests, the independence, or the honor of the two contracting states and which did not concern the interests of third parties." Under these treaties the special agreement, which must be entered into in each particular case for the purpose of defining the questions and the powers of the arbitrators in that case, was to be made by the Executive without reference to the Senate. By a vote of more than 5 to 1 the Senate amended these treaties so as to secure the submission of all such special agreements to the Senate for its advice and consent. The treaties thus amended were not presented by the administration to the other contracting powers and never became operative. In 1908 Mr. ROOT, then Secretary of State, negotiated similar treaties with various powers in which the right of the Senate to advise and consent to all special agreements made under these treaties was explicitly provided for. Approved by President Roosevelt and by him submitted to the Senate, these treaties were ratified by the Senate without opposition, and are still the law of the land. The two treaties now submitted remove the exceptions made in their predecessors as to questions affecting national honor, vital interests, independence, or the interests of third parties, and substitute therefor in Article I a statement of the scope of arbitration which is designed by its terms to exclude all questions not properly arbitrable.

Article I is as follows:

"All differences hereafter arising between the high contracting parties, which it has not been possible to adjust by diplomacy, relating to international matters in which the high contracting parties are concerned by virtue of a claim of right made by one against the other under treaty or otherwise, and which are justiciable in their nature by reason of being susceptible of decision by the application of the principles of law or equity, shall be submitted to the Permanent Court of Arbitration established at The Hague by the convention of October 18, 1907, or to some other arbitral tribunal as may be decided in each case by special agreement, which special agreement shall provide for the organization of such tribunal if necessary, define the scope of the powers of the arbitrators, the question or questions at issue, and settle the terms of reference and the procedure thereunder.

"The provisions of articles 37 to 90, inclusive, of the convention for the pacific settlement of international disputes concluded at the second peace conference at The Hague on the 18th October, 1907, so far as applicable, and unless they are inconsistent with or modified by the provisions of the special agreement to be concluded in each case, and excepting articles 53 and 54 of such convention, shall govern the arbitration proceedings to be taken under this treaty.

"The special agreement in each case shall be made on the part of the United States by the President of the United States, by and with the advice and consent of the Senate thereof, His Majesty's Government reserving the right before concluding a special agreement in any matter affecting the interests of a self-governing dominion of the British Empire to obtain the concurrence therein of the government of that dominion.

"Such agreements shall be binding when confirmed by the two Governments by an exchange of notes."

It will be observed that by the terms of this article every difference arising between the two nations is to be submitted to arbitration if such differences "are justiciable in their nature by reason of being susceptible of decision by the application of the principles of law or equity," and it follows necessarily that all differences which are not justiciable in their nature by reason of not being susceptible of decision by the application of the principles of law or equity are excluded from arbitration under the terms of this article. It will also be observed that all special agreements made under this article must be submitted to the Senate for its advice and consent. To this article the committee recommends a slight verbal amendment, which only serves to make clearer the meaning of the article and which need not detain us here.

If, following the example of the treaties of 1908, these treaties stopped at this point with the article defining the scope of the subjects to be submitted to arbitration, the committee would have found no difficulty in recommending to the Senate its immediate ratification. The definition of the questions to be submitted to arbitration in these new treaties is, it is true, very large and general and somewhat indeterminate. It is stated that these questions are to be justiciable by reason of being susceptible of decision by the application of the principles of law or equity. In England and the United States, and wherever the principles of the common law obtain, the words "law or equity" have an exact and technical significance, but that legal system exists nowhere else and does not exist in France, with which country one of these treaties is made. We are obliged, therefore, to construe the word "equity" in its broad and universal acceptance as that which is "equally right or just to all concerned; as the application of the dictates of good conscience to the settlement of controversies." It will be seen, therefore, that there is little or no limit to the questions which might be brought within this article, provided the two contracting parties consider them justiciable.

Under Article I, however, taken by itself, no question could be dealt with unless the treaty-making powers of both countries were agreed that it was justiciable within the meaning of the article. The most vital point, therefore, to be decided would be whether the question was justiciable according to the principles of law and equity. Everyone agrees that there are certain questions which no nation, if it expects to retain its existence as a nation, will ever submit to the decision of anyone else, and by reserving the power to pass upon all special agreements each party to the contract reserves at the same time the power to reject as not justiciable any of these questions which it is admitted no nation could submit to an outside judgment without abandoning its sovereignty and independence.

These treaties, however, do not stop with the article which defines and enlarges the scope of arbitration. In Articles II and III provision is made for the establishment, if either party desires it, of a joint commission of inquiry. Such a commission is to be preliminary to arbitration and is to examine into and report upon the subject of the controversy between the two contracting parties. These articles follow in the main the provisions of The Hague convention of 1907, now in force, for the establishment of such commissions. The committee ventures to think that some of the changes here made from The Hague provisions are not in the direction of an advance, but of a retreat, because they revive the idea of confining membership in the commission, if insisted upon by either party, to nationals instead of to wholly disinterested outsiders, which is the conception of The Hague convention. But the important part of these two articles is contained in the last clause of Article III, a point at which these two treaties depart widely from The Hague provisions. The clause in question is as follows:

"It is further agreed, however, that in cases in which the parties disagree as to whether or not a difference is subject to arbitration under Article I of this treaty, that question shall be submitted to the Joint High Commission of Inquiry; and if all or all but one of the members of the commission agree and report that such difference is within the scope of Article I, it shall be referred to arbitration in accordance with the provisions of this treaty."

It will be seen by examination of the clause just quoted that if the joint commission, which may consist of one or more persons, which may be composed wholly of foreigners or wholly of nationals, decides that the question before them is justiciable under Article I it must then go to arbitration whether the treaty-making power of either country believes it to be justiciable or not. A special agreement, coming to the Senate after the joint commission had decided the question involved to be justiciable, could not be amended or rejected by the Senate on the ground that in their opinion the question was not justiciable and did not come within the scope of Article I. By this clause the constitutional powers of the Senate are taken away pro tanto and are transferred to a commission, upon the composition of which the Senate has no control whatever. It is said that the powers of the President under the Constitution are given up by the third clause of Article III just as much as those of the Senate. If this be true, it only makes the case more serious, but the President, under the provisions of Articles II and III, although he would be bound by the decision of the commission, can nevertheless control the formation of that body. To arrange the membership of the joint commission, however, so as to defeat an adverse decision in advance would not be consonant with the spirit of the treaty, but none the less that power of indirect control remains in the hands of the President and in his hands alone.

In approving Article I of the treaty the committee assents to the arbitration of all questions coming within the rule there prescribed. The terms in which the rule is stated are, however, quite vague and indefinite, and they are altogether new in international proceedings. It is possible that others may take an entirely different view from that entertained by the committee or by the negotiators of the treaty as to what was meant by justiciable or as to what was meant by the principles of law or equity when applied to international affairs, and in the absence of any established rules of international law for the construction of such provisions and of any precedents others might put upon these provisions a construction entirely different from that which the treaty-making power now intends. Under these circumstances to vest in an outside commission the power to say finally what the treaty means by its very general and indefinite language is to vest in that commission the power to make for us an entirely different treaty from that which we supposed ourselves to be making.

The last clause of Article III, therefore, the Committee on Foreign Relations advises the Senate to strike from the treaty and recommends an amendment to that effect. This recommendation is made because there can be no question that through the machinery of the joint commission, as provided in Articles II and III and with the last clause of Article III included, the Senate is deprived of its constitutional power to pass upon all questions involved in any treaty submitted to it in accordance with the Constitution. The committee believes that it would be a violation of the Constitution of the United States to confer upon an outside commission powers which, under the Constitution, devolve upon the Senate. It seems to the committee that the Senate has no more right to delegate its share of the treaty-making power than Congress has to delegate the legislative power. The Constitution provides that before a treaty can be ratified and become the supreme law of the land it shall receive the consent of two-thirds of the Senators present. This necessarily means that each and every part of the treaty must receive the consent of two-thirds of the Senate. It can not possibly mean that only a part of the provisions shall receive the consent of the Senate. To take away from the Senate the determination of the most important question in a proposed treaty of arbitration is necessarily in violation of the treaty provisions of the Constitution. The most vital question in every proposed arbitration is whether the difference is arbitrable. For instance, if another nation should do something to which we object under the Monroe doctrine and the validity of our objection should be challenged and an arbitration should be demanded by that other nation, the vital point would be whether our right to insist upon the Monroe doctrine was subject to arbitration, and if the third clause of Article III remains in the treaty the Senate could be debarred from passing upon that question.

One of the first of sovereign rights is the power to determine who shall come into the country and under what conditions. No nation, which is not either tributary or subject, would permit any other nation to compel it to receive the citizens or subjects of that other nation.

If our right to exclude certain classes of immigrants were challenged, the question could be forced before a joint commission, and if that

commission decided that the question was arbitrable the Senate would have no power to reject the special agreement for the arbitration of that subject on the ground that it was not a question for arbitration within the contemplation of article 1. In the same way our territorial integrity, the rights of each State, and of the United States to their territory might be forced before a joint commission, and under article 3, in certain contingencies, we should have no power to prevent our title to the land we inhabit from being tried before a court of arbitration. To-day no nation on earth would think of raising these questions with the United States, and the same is true of other questions, which will readily occur to everybody. But if we accept this treaty with the third clause of article 3 included we invite other nations to raise these very questions and to endeavor to force them before an arbitral tribunal. Such an invitation would be a breeder of war and not of peace, and would rouse a series of disputes, now happily and entirely at rest, into malign and dangerous activity. To issue such an invitation is not, in the opinion of the committee, the way to promote that universal peace which we all most earnestly desire.

To take from the Senate, in any degree or by any means, the power of saying whether a given question is one for arbitration or not is to destroy the power of the Senate on the most important point to be decided in connection with differences arising with any other nation. Even if it were constitutional, to deprive the Senate to this extent of their share in the treaty-making power would be most unwise and most perilous. The Senate of the United States is as earnestly and heartily in favor of peace and of the promotion of universal peace by arbitration as any body of men, official or unofficial, anywhere in the world, or as anyone concerned in the negotiation of arbitration treaties. The history of the United States for a period of more than 70 years exhibits a record of arbitration treaties unequaled by that of any other nation on earth. Every one of those treaties has received the cordial assent of the Senate of the United States. The Senate to-day is heartily in favor, in the opinion of the committee, of enlarging to the utmost practicable limit the scope of general arbitration treaties. The committee recommends to the Senate the approval of the enlarged scope for arbitration proposed in article 1, but it declines to admit that the destruction of the constitutional powers of the Senate is necessary to the promotion of peace and arbitration, or that their maintenance diminishes by a hair's breadth the enlarged scope which these treaties propose for arbitration as the true method for the settlement of international controversies.

We have discussed the abandonment of the power of the Senate to take part in the construction and application of the treaty in particular cases as they arise with no selfish concern for the prerogatives or rights of the Senate itself, but rather with solicitude that the Senate shall perform the duty which has been imposed upon it by the Constitution and shall not, by its own act, deprive itself of the power to perform that duty. The inclusion of the Senate as a part of the treaty-making power was provided upon mature consideration in the Consititution and was deemed to be adopted to our system of government. It has, on the whole, proved of the highest usefulness for the prevention of hasty and ill-considered agreements with other powers and for the preservation of the interests of all and every part of the American people. So long as that duty rests upon us we must continue to perform it with courage and firmness and without evasion or abdication.

The committee itself, and in the opinion of the committee the Senate also, has no desire to contract the ample boundaries set to arbitration in the first article. But it must be remembered that if we enter into these treaties with Great Britain and France we must make like treaties in precisely the same terms with any other friendly power which calls upon us to do so. This adds to the gravity of the action now to be taken, for nothing could be so harmful to the cause of peace and arbitration or to their true interests as to make a general arbitration treaty which should not be scrupulously and exactly observed. As has been already said, there are questions which no nation will consent to submit to the decision of anyone but themselves. The only way to keep such questions from being forced forward, which is in itself promotive of dissension, ill feeling, and perhaps war, is by the reservation to each of the contracting parties of the power to decide whether or not a question is properly justifiable within the letter and spirit of the treaty.

There are certain questions at the present stage of human development which, if thus forced forward for arbitration, would be rejected by the country affected without regard to whether, in so doing, they broke the general arbitration treaty or not. In the opinion of the committee it should not be possible, under the terms of any treaty, for such a deplorable situation to arise. Nothing ought to be promised that we are not absolutely certain that we can carry out to the letter. If the third clause of article 3 remains in the treaty it is quite possible that the unhappy situation just described might arise and the treaty would then become, not what we fondly hope it will be, a noble instrument of peace, but an ill-omened breeder of bitterness and war. For that reason, as well as on constitutional grounds and in the best interests of peace and arbitration itself, the committee recommends that this clause be stricken from the treaty.

After the doors were reopened,

Mr. LODGE. Mr. President, I present a document from the Committee on Foreign Relations in regard to arbitration treaties now pending, from which the injunction of secrecy has been removed, and I ask that 5,000 additional copies be printed for the use of the Senate. I ask that there be printed in the appendix the entire text of The Hague Convention of October 18, 1907. This document contains only certain articles, and I want the entire convention printed.

I also want printed a copy of the existing arbitration treaty with Great Britain of June 4, 1908, and I want Appendix B as in this report retained.

The VICE PRESIDENT. Without objection, the order requested by the Senator from Massachusetts——

Mr. BURTON. Do I understand that it is the intention to print this report, with the appendices, before opportunity is given to file a minority report by the three members, or either of them, who do not concur in this report?

Mr. LODGE. I understand that order has already been made.

Mr. BURTON. I do not so understand. I had understood that the injunction of secrecy was removed, so that this report might be printed in the RECORD, but that——

Mr. LODGE. The Senator from Illinois [Mr. CULLOM] stated, I think, that he had had no objection to printing——

Mr. BURTON. But that the printing of the final report was to be postponed until time was given to file minority views.

The VICE PRESIDENT. The Chair understood the understanding in executive session to be that an order for the printing was to be entered, as indicated by the Senator from Massachusetts, as soon as we came into legislative session.

Mr. LODGE. There is no doubt about that. He withdrew his objection, and said he had none.

Mr. BURTON. My understanding was that the point decided in executive session pertained to publicity. The injunction of secrecy was removed.

The VICE PRESIDENT. That was the motion, but a further understanding, as the Chair understood, was that the procedure now indicated by the Senator from Massachusetts should be followed.

Mr. BURTON. I should like to ask the chairman of the Committee on Printing whether these documents would be printed immediately or whether they would be detained until a reasonable time could be given for the filing of minority reports?

Mr. LODGE. Why should they be detained? It is constantly done.

Mr. SMOOT. I will state to the Senator that they will be printed immediately, unless otherwise ordered by the Senate.

Mr. BURTON. The Chair and the Senate can readily see what would happen. This report, if printed at this time, will go to the country without the statement of any views of the minority, and it seems to me it is sufficient for the present to give publicity by the publication in the RECORD and postpone the printing of the report in its completed form until the views of the minority can be filed.

Mr. SMOOT. As a public document?

Mr. BURTON. As a public document.

Mr. WILLIAMS. And both be printed in the same document.

The VICE PRESIDENT. Does the Chair understand the remarks of the Senator from Ohio to be in objection to the order requested by the Senator from Massachusetts?

Mr. BURTON. If it is proposed to print this report without the views of the minority.

Mr. LODGE. Then I move that they be printed as requested.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Massachusetts that an order be entered for the printing as indicated in his request for unanimous consent.

The motion was agreed to. (S. Doc. No. 98.)

FINAL ADJOURNMENT.

Mr. PENROSE. I present a concurrent resolution, which I ask to have read for the information of the Senate.

The VICE PRESIDENT. The Senator from Pennsylvania presents a concurrent resolution, which the Secretary will read.

The Secretary read the concurrent resolution (S. Con. Res. 8), as follows:

Resolved by the Senate (the House of Representatives concurring), That the President of the Senate and the Speaker of the House of Representatives be authorized to close the present session by adjourning their respective Houses on the 22d day of August, 1911, at 2 o'clock p. m.

Mr. PENROSE. Of course the concurrent resolution ought to be referred to a committee.

I desire to state for the information of the Senate that a careful investigation has led to the conclusion that Congress can adjourn on the date fixed. I am aware of the fact that the concurrent resolution ought ordinarily to go to the Committee on Appropriations, but I suggest the propriety of its reference, and I believe it will facilitate the business of the Senate if the concurrent resolution is referred to the Committee on Finance, the tariff bills being the principal issues before this extra session of Congress.

Mr. WARREN. Mr. President, my attention was diverted, and I did not hear the reading or the import of the concurrent resolution.

Mr. PENROSE. It is a concurrent resolution fixing Tuesday, August 22, at 2 o'clock in the afternoon for the final adjournment of this extra session of Congress.

Mr. WARREN. Is it a concurrent resolution that comes from the House?

Mr. PENROSE. No; it is a Senate resolution, to go over to the House.

Mr. WARREN. Originating with the Finance Committee?

Mr. PENROSE. Yes.

Mr. NEWLANDS. It is impossible to hear the colloquy.

The VICE PRESIDENT. The Senator from Pennsylvania suggests the reference to the Committee on Finance of the concurrent resolution fixing the day for final adjournment. Without objection, that reference will be made.

Mr. OWEN. I object.

The VICE PRESIDENT. Objection is made.

Mr. PENROSE. I desire to state for the further information of the Senate—oh, an objection has been made?

The VICE PRESIDENT. The Senator from Oklahoma objected to such reference. In the opinion of the Chair the reference, therefore, should be to the Committee on Rules, and the reference will be such——

Mr. PENROSE. I move to refer the concurrent resolution to the Committee on Finance.

The VICE PRESIDENT. The Senator from Pennsylvania moves that the resolution——

Mr. CULBERSON. On this side of the Chamber we have been unable to hear the conversation on the other side. I should like to ask the chairman of the Committee on Appropriations what he thinks of the proposition to change the rule of the Senate and to refer these adjournment resolutions to a different committee.

Mr. WARREN. I wish to say that in my experience here there has never been a concurrent resolution proposing final adjournment that did not go to the Committee on Appropriations, and there is where this should go. I ask that it be referred to the Appropriations Committee.

Mr. PENROSE. I am entirely willing to have it go to the Committee on Appropriations.

Mr. WARREN. I want to ask the Senator from Pennsylvania, however, whether, from the standpoint of the Finance Committee, the concurrent resolution can not be changed so as to provide for final adjournment on Saturday of this week as well as Tuesday of next week?

Mr. PENROSE. I do not believe that Congress can get through by Saturday of this week.

Mr. CUMMINS. Mr. President——

The VICE PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from Iowa?

Mr. PENROSE. Yes.

Mr. CUMMINS. I should like to ask a question of the Senator from Pennsylvania. Has the Senator, in fixing the time for final adjournment, assumed that both House and Senate can, before Tuesday, August 22, act upon all the tariff bills which are now before them?

Mr. PENROSE. After conferring with a number of Members of the House and Senate I was led to the conclusion that Congress could adjourn on Tuesday and complete action on all pending measures. Of course, however, this date is not conclusive. The concurrent resolution will go either to the Committee on Appropriations or the Committee on Finance; and I am entirely indifferent as to which committee, and the date can be made earlier or later, as the situation may develop during the rest of this week.

Mr. CUMMINS. I have no objection to the reference of the concurrent resolution to any committee. I care not what committee shall consider it. But I think it is well to understand, so far as some of us are concerned, that we will not consent to the passage of any concurrent resolution fixing a time for final adjournment of Congress until we can see clearly that the bills which are now before us have been or can be finally acted upon by Congress.

Mr. PENROSE. I should like to ask the Senator from Iowa who he means by "we"? I suppose the Senate determines this matter by its vote.

Mr. CUMMINS. Certainly. I did not say "we."

Mr. PENROSE. I think the stenographer would probably say "we."

Mr. CUMMINS. No; the Senator from Pennsylvania is in error. I said that "some of us."

Mr. PENROSE. Well, can some of us hold up Congress as against a majority vote on a concurrent resolution which is not open to debate?

Mr. CUMMINS. Some of us can not; and I did not indicate that some of us could. I said, however, that such a concurrent resolution would not be passed with our consent.

Mr. PENROSE. Who are "our"?

Mr. CUMMINS. Those of us who really want to revise some of the schedules of the tariff. If a majority of the Senate desire to pass a concurrent resolution to adjourn, it always has the power to do it. It could have done it long before the reciprocity bill was passed if it had wanted to do it.

Mr. PENROSE. That again revives the mysterious term which shocked my ear, the term "our consent." I should like to be enlightened as to what the comprehensive term embraces.

Mr. CUMMINS. I am sorry the Senator from Pennsylvania, having been here so long and so assiduously during this present session, can not apply that word. I leave it, however, to his fervid and fertile imagination. He may put just such meaning upon it as he thinks it ought to bear.

The VICE PRESIDENT. The Senator from Pennsylvania moves that the resolution be referred to the Committee on Finance.

Mr. PENROSE. If the Senator from Wyoming prefers that it go to the Committee on Appropriations, I am entirely willing.

Mr. WARREN. I do not desire to take anything from the power of the Finance Committee, but in view of certain transactions of late in both Houses, where we seem to have departed from the rules, it appears to me we ought not now to break an unbroken rule.

Mr. PENROSE. I will change my motion and move that the resolution be referred to the Committee on Appropriations.

The VICE PRESIDENT. The Senator from Pennsylvania moves that the resolution he has just presented be referred to the Committee on Appropriations.

Mr. BRISTOW. Mr. President, in this connection I desire to say that for one I do not intend to consent to an adjournment of the Senate or the passing of a resolution of this kind until the tariff bills which are now pending have passed the Senate and are in conference.

The VICE PRESIDENT. This is a question of reference, not of action upon the resolution.

Mr. BRISTOW. Yes; I understand, but I think this is as good an opportunity to express my views upon the matter of adjournment as I probably will have. We spent weeks here in putting articles which are produced by the American farmers upon the free list, articles that are not controlled by a monopoly and the production of which can not be controlled by a monopoly. Now, it is proposed to rush, if possible, a resolution through here to agree upon a time for final adjournment, when there has not been a single duty removed upon any article that is controlled by a trust and where the duties are excessive.

I can understand the reason why the Senator from Pennsylvania would desire this early adjournment. It is because we are now engaged in an effort to remove duties that have been a burden to the American people, and it is proposed now to adjourn Congress to escape a revision of the tariff which the American people have demanded ought to be made. We should stay here until that revision is made, and I hope that a majority of the Senate will not consent to any adjournment until these bills are in conference and a sufficient time or a reasonable time is given for an agreement.

I wanted to make these remarks so as to present to the Senate at least my views as to what we ought to do. I hope that a majority of the Senate are of the same opinion.

The VICE PRESIDENT. The question is on the motion to refer the concurrent resolution to the Committee on Appropriations.

The motion was agreed to.

COMMITTEE SERVICE.

On motion of Mr. MARTIN of Virginia, and by unanimous consent, Mr. POMERENE was assigned to the Committee on Privileges and Elections, to fill the vacancy in the committee.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the bill (S. 306) to confirm the name of Commodore Barney Circle, located at the eastern end of Pennsylvania Avenue SE., in the District of Columbia.

The message also announced that the House had passed the bill (S. 1785) to amend section 647, chapter 18, Code of Law for the District of Columbia, relating to annual statements of insurance companies, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 8622. An act to amend section 4 of "An act for the preservation of the public peace and the protection of property within the District of Columbia," approved July 29, 1892, as to the flying of fire balloons or fire parachutes;

H. R. 10649. An act to regulate the assignment of wages, salaries, and earnings in the District of Columbia; and

H. R. 12737. An act to amend the Code of Law for the District of Columbia, regarding insurance.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

H. R. 6747. An act to reenact an act authorizing the construction of a bridge across St. Croix River and to extend the time for commencing and completing said structure; and

H. R. 11303. An act for the relief of Eliza Choteau Roscamp.

PETITIONS AND MEMORIALS.

Mr. POINDEXTER presented a petition of Local Grange No. 83, Patrons of Husbandry, of Goldendale, Wash., and a petition of Local Grange No. 362, Patrons of Husbandry, of Lake, Wash., praying for the establishment of a parcels-post system, which were referred to the Committee on Post Offices and Post Roads.

Mr. LEA presented memorials of sundry citizens of Graysville, Johnsonville, and Memphis, all in the State of Tennessee, remonstrating against the passage of the so-called Johnston Sunday-rest bill, which were ordered to lie on the table.

Mr. O'GORMAN presented resolutions adopted by the Switchmen's Union at St. Paul, Minn., favoring an appropriation for the casting of a bronze tablet or bust to the memory of the late Edward A. Moseley, secretary of the Interstate Commerce Commission, which were referred to the Committee on the Library.

Mr. BROWN. I present a telegram in the nature of a petition, which I ask may lie on the table and be printed in the RECORD.

There being no objection, the telegram was ordered to lie on the table and to be printed in the RECORD, as follows:

NELIGH, NEBR., *August 13, 1911.*

Hon. NORRIS BROWN,
United States Senate, Washington, D. C.:

We, the people of Neligh, Nebr., and vicinity, assembled in our annual Chautauqua to the number of 1,500, would express our profound gratitude for the treaties of arbitration lately signed by the representatives of the United States, Great Britain, and France, and our hope that the same may be ratified by the Senate without delay or needless amendments. Adopted by unanimous vote August 13, 1911.

THOMAS C. HINKLE.

Mr. ROOT presented memorials of 100 citizens of Elmira, N. Y., remonstrating against the passage of the so-called Johnston Sunday-rest bill, which were ordered to lie on the table.

THE METROPOLITAN COACH CO.

Mr. OLIVER, from the Committee on the District of Columbia, to which was referred the bill (S. 2904) to confer upon the Commissioners of the District of Columbia authority to regulate the operation and equipment of the vehicles of the Metropolitan Coach Co., reported it with amendments.

SENATOR FROM WISCONSIN.

Mr. BRIGGS. From the Committee to Audit and Control the Contingent Expenses of the Senate, I report back favorably Senate resolution 136, reported by the Senator from Vermont [Mr. DILLINGHAM] from the Committee on Privileges and Elections.

The VICE PRESIDENT. The resolution will be read.

The resolution was read, as follows:

Resolved, That the Senate Committee on Privileges and Elections, or any subcommittee thereof, be authorized and directed to investigate certain charges preferred by the Legislature of Wisconsin against ISAAC STEPHENSON, a Senator of the United States from the State of Wisconsin, and to report to the Senate whether in the election of said ISAAC STEPHENSON as a Senator of the United States from the said State of Wisconsin there were used or employed corrupt methods or practices; that said committee or subcommittee be authorized to sit during the recess of the Senate, to hold its session at such place or places as it shall deem most convenient for the purposes of the investigation, to employ stenographers, to send for persons and papers, and to administer oaths; and that the expenses of the inquiry shall be paid from the contingent fund of the Senate upon vouchers to be approved by the chairman of the committee or chairman of the subcommittee.

The VICE PRESIDENT. Does the Senator from New Jersey ask for present action on the resolution?

Mr. BRIGGS. I ask for present action on the resolution.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

There being no objection, the resolution was considered by unanimous consent, and agreed to.

ASSISTANT CLERK TO COMMITTEE ON APPROPRIATIONS.

Mr. BRIGGS. From the Committee to Audit and Control the Contingent Expenses of the Senate, I report back with an amendment Senate resolution 96, submitted by the Senator from Wyoming [Mr. WARREN] July 5, and I ask for its present consideration.

The Senate, by unanimous consent, proceeded to consider the resolution, which was read, as follows:

Resolved, That the Committee on Appropriations be, and is hereby, authorized to employ an assistant clerk at a salary of $1,440 per annum during the Sixty-second Congress.

The amendment was to add, at the end of the resolution, the words "to be paid out of the contingent fund of the Senate."

The amendment was agreed to.

The resolution as amended was agreed to.

MESSENGER TO CONFERENCE OF THE MINORITY.

Mr. BRIGGS. From the Committee to Audit and Control the Contingent Expenses of the Senate, I report back with an amendment Senate resolution 107, submitted by the Senator from Virginia [Mr. MARTIN] July 20, and I ask for its present consideration.

The Senate, by unanimous consent, proceeded to consider the resolution, which was read, as follows:

Resolved, That the conference of the minority of the Senate be, and it is hereby, authorized to appoint an additional messenger at an annual salary of $1,440, to be paid from the contingent fund of the Senate until otherwise provided by law.

The amendment of the committee was after the words "one thousand" to strike out "four hundred and forty" and insert "two hundred," so as to read: "at an annual salary of $1,200."

The amendment was agreed to.

The resolution as amended was agreed to.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. POINDEXTER:

A bill (S. 3224) forfeiting the grant of a right of way through the Colville Indian Reservation, in the State of Washington, to the Washington Improvement & Development Co., made by act of Congress June 4, 1898; to the Committee on the Judiciary.

A bill (S. 3225) providing when patents shall issue to the purchaser or heirs of certain lands in the State of Oregon; to the Committee on Public Lands.

By Mr. GAMBLE:

A bill (S. 3226) granting a pension to Black Eagle; to the Committee on Pensions.

By Mr. SIMMONS:

A bill (S. 3227) for the relief of the heirs of John Fairley, deceased (with accompanying papers); to the Commttee on Claims.

A bill (S. 3228) to correct the military record of Job Metts; to the Committee on Military Affairs.

A bill (S. 3229) granting an increase of pension to Robert B. Courts;

A bill (S. 3230) granting an increase of pension to Wiley C. Hunter (with accompanying paper);

A bill (S. 3231) granting an increase of pension to William H. Peek (with accompanying paper); and

A bill (S. 3232) granting a pension to May M. B. MacRae; to the Committee on Pensions.

By Mr. LEA:

A bill (S. 3233) for the relief of the First Baptist Church of Nashville, Tenn.;

A bill (S. 3234) for the relief of Elm Street Methodist Episcopal Church South, successor to the Mulberry Street Methodist Episcopal Church South, of Nashville, Tenn.;

A bill (S. 3235) for the relief of the Methodist Episcopal Church South, of Tullahoma, Tenn.;

A bill (S. 3236) for the relief of Martha A. Carter;

A bill (S. 3237) for the relief of the heirs of A. B. Beeson, deceased;

A bill (S. 3238) for the relief of the estate of J. T. Stringer, deceased;

A bill (S. 3239) for the relief of the estate of J. S. Brown;

A bill (S. 3240) for the relief of trustees of Clarksville Female Seminary, of Clarksville, Tenn.; and

A bill (S. 3241) for the relief of Harry T. Herring; to the Committee on Claims.

By Mr. BRADLEY:

A bill (S. 3242) granting an increase of pension to James S. Sutherland (with accompanying paper); to the Committee on Pensions.

By Mr. BURNHAM:

A bill (S. 3243) for the relief of the legal representatives of George W. Soule; to the Committee on Claims.

By Mr. TAYLOR:

A bill (S. 3244) for the relief of the First Presbyterian Church of Fayetteville, Tenn.;

A bill (S. 3245) for the relief of the Christian Church of McMinnville, Tenn.;

A bill (S. 3246) for the relief of the trustees of the First Baptist Church of Chattanooga, Tenn.; and

A bill (S. 3247) for the relief of the Christian Church of Columbia, Tenn.; to the Committee on Claims.

By Mr. LODGE:

A bill (S. 3248) granting a pension to Anna Mansfield (with accompanying paper); to the Committee on Pensions.

A bill (S. 3249) for the transfer of a commissioned officer of the United States Navy Medical Corps or the United States Public Health and Marine-Hospital Service to the United States Army Medical Corps (with accompanying paper); to the Committee on Military Affairs.

By Mr. FOSTER:

A bill (S. 3250) to authorize the construction of a bridge across Caddo Lake, in Louisiana; to the Committee on Commerce.

By Mr. SMITH of Michigan:

A joint resolution (S. J. Res. 55) to admit the Territories of New Mexico and Arizona as States into the Union upon an equal footing with the original States; to the Committee on Territories.

FUNERAL EXPENSES OF THE LATE SENATOR FRYE.

Mr. JOHNSON of Maine submitted the following resolution (S. Res. 138), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay from the miscellaneous items of the contingent fund of the Senate the actual and necessary expenses incurred by the committee appointed by the Vice President in arranging for and attending the funeral of the late Senator WILLIAM P. FRYE from the State of Maine, vouchers for the same to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

REPORT ON GENERAL ARBITRATION TREATIES.

Mr. BRANDEGEE. I should like to ask whether the order was entered to have the report of the Committee on Foreign Relations printed in the RECORD.

The VICE PRESIDENT. It was.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President had approved and signed the following acts:

On August 15, 1911:

S. 2495. An act to define and classify health, accident, and death benefit companies and associations operating in the District of Columbia, and to amend section 653 of the Code of Law for the District of Columbia.

S. 2766. An act to authorize the St. Louis, Iron Mountain & Southern Railway Co. to construct and operate a bridge across the St. Francis River, in the State of Arkansas, and for other purposes.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on the District of Columbia:

H. R. 8622. An act to amend section 4 of "An act for the preservation of the public peace and the protection of property within the District of Columbia," approved July 29, 1892, as to the flying of fire balloons or fire parachutes;

H. R. 10649. An act to regulate the assignment of wages, salaries, and earnings in the District of Columbia; and

H. R. 12737. An act to amend the Code of Law for the District of Columbia regarding insurance.

LEAVE OF ABSENCE TO HOMESTEADERS.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 3052) granting leave of absence to certain homesteaders, which was, on page 1, line 6, to strike out all after "South Dakota," down to and including that portion of the word "residence," on page 2, line 1, and to insert: "In the Denver, Pueblo, Sterling, Hugo, Lamar, and Glenwood Springs land districts, in the State of Colorado; in the Valentine, O'Neill, North Platte, Broken Bow, and Alliance land districts, in the State of Nebraska; in the Lawton, Woodward, and Guthrie land districts, in the State of Oklahoma; in the Dickinson, Minot, Williston, Devils Lake, and Bismarck land districts, in the State of North Dakota; in the Cheyenne, Evanston, Sundance, Buffalo, Lander, and Douglas land districts, in the State of Wyoming; in the Clayton, Fort Sumner, Las Cruces, Tucumcari, Roswell, and Santa Fe land districts, in the Territory of New Mexico; in the Phoenix land district, in the Territory of Arizona; in the former Spokane Indian Reservation, in the State of Washington; and in the Burns, Vale, La Grand, and The Dalles land districts, in the State of Oregon, are hereby relieved from the necessity of residence and cultivation."

Mr. CLARK of Wyoming. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

ANNUAL STATEMENTS OF INSURANCE COMPANIES.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 1785) to amend section 647, chapter 18, Code of Law for the District of Columbia, relating to annual statements of insurance companies, which were, on page 2, line 7, to strike out the word "classified," and on page 2, line 8, after the word "liabilities," to insert: "Classified according to regulations made by the superintendent of insurance."

Mr. CURTIS. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

DECISION OF QUESTIONS CONCERNING CONSTITUTIONALITY.

The VICE PRESIDENT. The Chair lays before the Senate the following bill, coming over from a former day.

The SECRETARY. A bill (S. 3222) to provide rules for speedy and final decision of questions concerning the constitutionality of national and State laws and constitutional provisions and for the interpretation and construction of the Federal laws and Constitution.

The VICE PRESIDENT. The bill will be referred to the Committee on the Judiciary.

Mr. HEYBURN. But, Mr. President, it went over yesterday on objection to a second reading.

The VICE PRESIDENT. This is the second reading and its reference.

Mr. HEYBURN. But it can not go to a second reading without a vote of the Senate, I think. There is no object in the rule unless that procedure can be taken.

The VICE PRESIDENT. The question is, Will the Senate consent to the second reading of the bill? The question is on that motion.

Mr. HEYBURN. It is not my intention to consent to the second reading of the bill without consideration by the Senate. The matter is not before the Senate except upon a motion. It does not come before the Senate automatically, as I understand the rule.

The VICE PRESIDENT. The bill comes up automatically.

Mr. HEYBURN. The question yesterday was not a request that it go over; it was an objection to the second reading. I did not request that the bill go over. I objected to the second reading of the bill.

The VICE PRESIDENT. Therefore it went over for one day.

Mr. HEYBURN. My attention has not been called to the rule that sends it over for a day. It stops the bill at the second reading, and it can not proceed automatically under any existing rule.

The VICE PRESIDENT. The first clause of Rule XIV provides that if objected to it shall be postponed for one day.

Mr. HEYBURN. That is an objection to the second reading.

The VICE PRESIDENT (reading):

Whenever a bill or joint resolution shall be offered, its introduction shall, if objected to, be postponed for one day.

The present occupant of the chair was not here yesterday when the bill was introduced and had its first reading.

Mr. HEYBURN. Its first reading.

The VICE PRESIDENT. Then an objection to the second reading was interposed. Therefore it comes up to-day—the next day—and the question is, Shall it have a second reading? which, of course, would be by motion in the face of an objection, if it can not be done by unanimous consent.

Mr. HEYBURN. My understanding was that it could only come up on motion; that it could only move to the next stage upon a motion; that it did not automatically come up.

The VICE PRESIDENT. The Chair is proceeding upon the motion that it now have its second reading.

Mr. HEYBURN. I did not know that there was a motion that it have its second reading.

The VICE PRESIDENT. As a matter of fact, there has been no such formal motion made, but the Chair assumes that the introducer of the bill desired to make such a motion. Technically, the Senator from Oregon had not made such a motion.

Mr. HEYBURN. So I understood.

Mr. BOURNE. Mr. President——

The VICE PRESIDENT. The Senator from Oregon now desires to make the motion, the Chair understands.

Mr. HEYBURN. I should like the RECORD to show that the Senator from Oregon was seeking to advance the bill in order that it might have its legislative status determined.

The VICE PRESIDENT. The Chair admits to having proceeded a trifle informally, but he supposed the Senator from Oregon desired the procedure he suggested.

Mr. HEYBURN. There is no motion now before the Senate——

The VICE PRESIDENT. There is not——

Mr. HEYBURN (continuing). For the advancement of this bill.

The VICE PRESIDENT. There is not. Does the Senator from Idaho desire to hold the floor?

Mr. HEYBURN. There is nothing to hold the floor for; there is not a motion pending.

The VICE PRESIDENT. The Senator from Oregon, then, is recognized.

Mr. BOURNE. I had assumed that the bill came up automatically for a second reading; that the right of the Senator to object held the second reading for the one day. If it is necessary to make a motion, I move that the bill now be read the second time and referred to the Committee on the Judiciary.

The VICE PRESIDENT. The Senator from Oregon has made his motion.

Mr. HEYBURN. That is a debatable question, I understand.

The VICE PRESIDENT. The Chair thinks so.

Mr. HEYBURN. Great questions have in times past been discussed under the relative condition in which we find this bill. I did not desire to have a discussion precipitated at this time, but I do desire to eliminate from the files and the consideration of the United States Senate measures of this kind. We should not proceed with them at all. They should be contraband. It is a proposition coming in the form of legislation that changes the organization and power of the United States Supreme Court.

Mr. President, I desire first to call attention to the title of the bill. It is extraordinary and without precedent in the history of legislation here or elsewhere. It reads:

> A bill to provide rules for speedy and final decision of questions concerning the constitutionality of national and State laws and constitutional provisions and for the interpretation and construction of the Federal laws and Constitution.

To provide rules for whom? For the Supreme Court of the United States. It is a proposition that Congress shall make rules for the procedure in the Supreme Court of the United States in the ordinary conduct of its business.

I can not conceive of any history, legend, romance from which it could be gathered that any legislature had such power or ever had attempted to exercise the power to make rules for the Supreme Court of the United States upon such questions. I want to consider this bill somewhat in detail. Section 1 provides—

> That in any action, suit, or proceeding in the Supreme Court of the United States when the constitutionality of any provision of a Federal or State law, or of a State constitution, shall be drawn in question or decided, the constitutionality thereof shall be sustained unless the Supreme Court, by unanimous decision of all its members qualified to sit in the cause, shall determine that the provision in controversy is not authorized or is prohibited by the Constitution of the United States.

I desire to direct the attention of the Senate to this proposition. It may not seem to be serious at this time, or a subject pressing itself upon our attention, yet we are, or at least I presume we are, at some time going into recess and leave the country to get along without our watchful care. During the recess of Congress it is sought to give this measure a status and form that will make it available for circulating literature. I desire that it shall go out, if it goes out at all, with some explanation.

Mr. President, the motion that this bill proceed to a second reading should not have been made at this time; but that does not afford a justification for neglecting it. Inasmuch as the motion has been made, I think I will test the sense of the Senate first, by moving to lay the motion of the Senator from Oregon [Mr. BOURNE] on the table.

The VICE PRESIDENT. The Senator from Idaho [Mr. HEYBURN] now moves to lay the motion on the table.

Mr. BACON. Mr. President, will the Senator from Idaho withdraw that motion for a moment, as I can not say what I wish to say unless he does so?

Mr. HEYBURN. I will be pleased to withdraw the motion.

Mr. BACON. I want to say to the Sentor from Idaho that it would be a very bad precedent for us to set to refuse a second reading of a bill because it might contain matters of which we did not approve. This is a deliberative body, and every proposition which is submitted to the body by one of its Members is entitled to consideration; it is not entitled to approval unless it meets the approval of Senators; but it is entitled to consideration, it is entitled to examination by them, and to a judgment as to whether or not it should be passed.

I agree, in the main, with the Senator from Idaho in his view as to the merits of this bill. Unless something is presented to my mind different from what has yet occurred to it, I should not vote for the bill. At the same time, I think that every Senator who in good faith presents to this body a proposition which he desires to have enacted into law is entitled to have that bill properly considered and go through the regular parliamentary stages; and, even if it does not come to a vote in the Senate, receive at least the examination of the standing committee to which it legitimately belongs.

I think it is due to myself to state this much, because I shall vote against the motion to lay upon the table, and I should also vote against a motion to prevent the second reading of the bill and its reference to a committee.

Now, I want to suggest to the Senator from Idaho that I can conceive of certain propositions which might be submitted to the Senate where the Senate would take the drastic action which he proposes. I think if a proposition were submitted to the Senate which was scandalous in its nature——

Mr. HEYBURN. I think this is.

Mr. BACON. Oh, no; in the sense in which I am speaking it is not. The Senator thinks that it is a proposition which is absolutely indefensible and one not entitled to be enacted into law; but the Senator does not misunderstand me when I say that if a measure were introduced here that was deemed to be scandalous, the Senate would not proceed to the point of its consideration; but anything which is respectful in its nature, which does not asperse any officer or any department of the Government is not scandalous; and in this case it can not be called an aspersion, because of the fact that the bill proposes, as I understand, to require unanimous concurrence of a court rather than the concurrence of a majority of the court; on this account it can not certainly be called scandalous; it is not an aspersion. One may distrust with some degree of reason the correctness of the judgment of a court, unless that judgment is the unanimous decision of its members, especially when taken in connection with the statement made by the Senator from Oregon when he introduced his bill that it happened that a bill declared to be unconstitutional had previously had the consideration of the Judiciary Committee of each House, of the majority of the Senators, and a majority of the Representatives. The contention of the Senator from Oregon was that the decision ought to constitute the judgment of the larger part of those whose consideration had been invoked in regard to the constitutionality of the law. While I do not agree with the Senator from Oregon about that, it is not a scandalous proposition, nor is any aspersion upon the court involved in it.

But I want to suggest to the Senator from Idaho that every time a majority of a body thought that a bill was not the proper presentation of that which should be enacted into law, if that majority were then to exclude it from the consideration of the Senate, we would soon have a very great tyrannical exercise of power by a majority. It would in such case be a matter absolutely within the judgment and discretion of the majority as to what bill they would permit to be considered and what bill they would not permit to be considered. The Senator's proposition, if carried to its legitimate conclusion, would limit debate in this body to propositions which the majority might feel an inclination to permit to be debated, because, as the Senator well knows, while under our liberal practice sometimes Senators may have something to say when bills are introduced or upon the proposition for its second reading, there is really no debate practicable in the Senate except when the bill comes here on the question of its passage or rejection. If the Senate is going to set the precedent, when a bill is presented, if it shall meet with the objection of the majority, that that majority is going to arrest it at the second reading and not permit it to get to a stage where debate is to be had, it is setting a dangerous precedent, Mr. President, by which the majority, even-tempered as it may be now, and rather indefinite and uncertain as to its existence, may at some time when it has a definite power and in time of great political excitement, in a time when that power may be so great as to have no hesitation in its exercise arbitrarily—the time may come when the exercise of that power will be extremely dangerous to the liberties of the people and where it will result in the destruction of that which is most important of all things in a free government, and that is freedom of debate.

I shall not pursue the subject, Mr. President, but I trust that the Senate will not take the position which is advocated by the Senator from Idaho. There is no danger of this bill passing unless it shall meet with the approbation of a majority of the Senate; there is little danger of it passing unless it shall meet with the approbation of the majority of the Judiciary Committee, to which it should go; so that there is no practical danger in permitting it to proceed; but there is a tremendous practical danger in setting a precedent by which proposed legislation shall be throttled before the time comes for its proper debate and consideration.

Mr. HEYBURN. Mr. President, it is not my intention to proceed upon the lines suggested by the Senator from Georgia. I fully realize the importance of what he has said in regard to

the matter. I fully realize the serious feature of stopping or attempting to stop proposed legislation at the second reading; and were it not for a little experience which we have had in the last few weeks here I would not have resorted to this rule. I will not insist on the motion to lay the motion of the Senator from Oregon on the table—I did that at a suggestion which was brought to me—because I think that it is better, in the interest of the people, to whose attention it is to be brought, that it should go out after some consideration. This is a dangerous measure. It is as dangerous as the measure that passed the Senate the other day.

Mr. BOURNE. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Oregon?

Mr. HEYBURN. I would never have dreamed that the recall of judges could have met with the approval of the United States Senate. It is the result of prolonged muckraking, the dragging down and attacking of men in public life, and yet, notwithstanding the suggestion of the Senator from Georgia, that measure received the approval of this body.

I feel it a duty that some one must take up and perform to more closely and promptly and sharply antagonize this kind of legislation. If we do not, the people of the country are going to conclude that these propositions are unanswerable, and that there can be no objection urged to them. We sat here and saw pass a measure as destructive of the judiciary system of this country as is this proposition. The Senator undertakes to say to the Supreme Court of the United States how they shall decide a case.

Mr. CHAMBERLAIN. May I interrupt the Senator?

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Oregon?

Mr. HEYBURN. Yes.

Mr. CHAMBERLAIN. Just for a moment. I understand from the reading of the bill—and I am not prepared to say that I am in full sympathy with it in its entirety—that it simply purports to require a unanimous decision from the Supreme Court as to the constitutionality or unconstitutionality of a legislative act. I will ask the Senator if it is not a fact that there was no suggestion in the formulation of the Constitution of the United States, in the convention or at any other time, that the Supreme Court of the United States should have any power to upset an act of the legislative department of this Government? On the contrary, that power was intended to be denied to the Supreme Court of the United States by the Constitutional Convention; and this bill is simply declaratory of what was the original intention of the framers of the Constitution.

Mr. HEYBURN. It was denied by some people. That term expresses it exactly. The denial of that power came from the same class of political intellect that is supporting these innovations upon the law of a century.

Mr. CHAMBERLAIN. I want to suggest, if the Senator will again permit me, that the Senator belongs to that large class of individuals in this country who believe that it is improper for anybody to suggest improprieties on the part of the Supreme Court of the United States. With all due deference to that body, there is a very large and growing sentiment in this country that the Supreme Court of the United States is encroaching upon the legislative function, and practically doing a little legislating on its own account. The Senator will concede that Lincoln did not hesitate to criticize the decisions of the court; Roosevelt did not hesitate to do so; and I think some of its decisions have been criticized since this Congress convened.

Mr. HEYBURN. Mr. President, there is a disposition to discredit the courts of the country, and it comes from those who are not in sympathy with our system of government or who are ignorant of it.

Mr. OWEN. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Oklahoma?

Mr. HEYBURN. Yes.

Mr. OWEN. I remind the Senator from Idaho that Abraham Lincoln severely criticized the decision of the Supreme Court in the Dred Scott case.

Mr. HEYBURN. Mr. President, I think it might be well to have that stereotyped and posted up. I have heard it about a thousand times in this Chamber, as though it were conclusive of the question and binding upon Senators. We are here to exercise our own intelligence and judgment in this hour and not in the hour of half a century ago. Mr. President, there is as much ability to determine these questions in this age as there was in any age in the country's history.

Mr. BACON. Mr. President——

Mr. HEYBURN. I yield to the Senator from Georgia.

Mr. BACON. Mr. President, the Senator has made a statement which I think calls for a response in regard to the passage of the statehood bill. He has spoken of that as an indorsement and approval of the principle of the recall of judges. That statement is being very generally made, but not correctly made. I do not favor the initiative or the referendum or the recall, and yet I voted for that bill. Mr. President, upon what ground did I vote for that bill? I voted for it upon the ground that, while I do not approve of these things, I recognize the right of any people who do approve them to have them, and I do not recognize the right of Congress or of any other power in the Government, after a State has become clothed with the powers of a State, to dictate to it what shall be its practice in that regard. I believe it is unfortunate that it should have them; but, Mr. President, we may not have an opportunity to debate that question again in this Chamber, because, if the question is to be raised again, it will be raised in the other body and may not reach us at all. I do not know as to that, and therefore I want the opportunity now, in order that those of us who voted for it may not be misrepresented in the public view, to state the ground upon which we acted in voting for the passage of that bill.

We did not approve—I say "we"; a great many of those who voted for it did approve, but a number of those did not approve, certainly a sufficient number to have prevented there being a majority in its favor if they had voted otherwise—a number of those who voted for that bill did so upon this ground: Disapproving as we did of the features in the Arizona constitution which, aside from the provision for the initiative and referendum, went further and provided for the recall of judges—disapproving of that feature, the bill simply gave to the citizens of Arizona the opportunity to reconsider what they had already determined for themselves.

Mr. HEYBURN. That is the amendment. That was not the bill.

Mr. BACON. That is what we voted for.

Mr. HEYBURN. When that was defeated we voted for the bill.

Mr. BACON. That was not defeated. That is in the bill as it passed.

Mr. HEYBURN. The indorsement of the referendum was not stricken out. That has passed.

Mr. BACON. Very well; but I am talking now about the recall of judges. That is the most serious question, and the provision in that bill is this: There was a provision which did not meet with the approval of some of us who were anxious to see that Territory clothed with powers of statehood, and therefore we went to the extent of saying, "While we do not recognize that Congress can impose upon a State any constitution which it does not desire so far as to make that its permanent constitution—for even if in its enabling act Congress does provide what the constitution shall be, upon the very next day the people can make a different constitution—recognizing that fact, still, in view of the gravity of the question of the recall of judges, we provide that you shall again consider that question by again voting on it; but if upon the consideration of it the second time you still determine that you wish that to be the law of the State, while we do not approve of it we recognize that you are the arbiters of your own fortunes; that you are the makers necessarily of your own laws. When you come into the Union as a State there is no power in Congress, as has been decided by the Supreme Court, to prevent you changing your constitution or enacting any law you may see fit which is not in contravention of the Constitution of the United States. Therefore we leave it to your decision upon your final vote."

Now, therefore, our proposition was this: Recognizing the fact that you will have—the people of Arizona will have—that power, we think we have gone to the fullest extent we should to endeavor to influence their decision when we call upon them to take another vote upon the question, and in their calm moments determine whether they want that to be their final and definite policy in the future. If the people of Arizona, after repeated contests at the polls, say they want the initiative and the referendum and the recall of judges, shall we say to them that because we differ from them on these questions Congress will deny to that Territory for all time to come the right to be admitted as a State? Where is such a contest to end in the case of a Territory having all the requisites and qualifications of a State? If the Territory is finally coerced and compelled to present a constitution here without the provision for the recall of judges, and the Territory should be then admitted as a State, does not everybody know that immediately after such admission the State could pass a law providing for the recall of judges? If so, where is the practical feature in all this tempest? Have

we not gone far enough when we provide that the people of Arizona shall again vote on the question?

Mr. BOURNE. Mr. President——

Mr. BACON. Shall I suspend now? Does the Senator from Oregon desire to ask me a question?

Mr. BOURNE. If the Senator will pardon me for a moment——

Mr. BACON. I would rather the Senator would let me complete the statement. Then I shall be more than happy to yield.

It is heralded from one end of this country to the other, and it is going to be again heralded from one end of this country to the other, that on the one side there stand those who are opposed to the recall of judges and who therefore oppose the admission of Arizona, and on the other side there are those who are in favor of the recall of judges and who therefore vote to admit Arizona.

I deny, Mr. President, that that classification is a proper classification of Senators and Representatives, and I assert that that will be a misrepresentation, and is a misrepresentation, whether made on the floor of the Senate or made elsewhere, or whether made now or made hereafter. It is an unjust classification to put all those who voted for the admission of Arizona under these circumstances in the class of those who defend or justify or uphold or approve the recall of judges.

I repeat, the action was taken in requiring another vote on the question in Arizona because we did not approve the recall of judges, and because of the fact that Arizona has put it in her constitution we intended that they should have an opportunity to reconsider that act. But we recognized that, having reconsidered it, one of two things must be done—either we must say that Arizona should never be a State, or we must recognize the fact that when she became a State she would have a right to determine that for herself. And when we went to the extent of requiring her to take a second vote upon it, we went as far as propriety, in my opinion, permitted.

What, on the contrary, is the position occupied by the Senator from Idaho and those who agree with him upon that subject? The Senator from Idaho is a good lawyer; nobody questions that for a moment; and nobody will question for a moment that he recognizes the proposition as a proposition of law that when Arizona becomes a State she can have the recall of judges, and that there is no power in Congress to prevent it. The Senator knows that.

The decision of the Supreme Court is to that effect, and when Senators say "we will not vote for a constitution which permits the recall of judges even though we provide that they shall take another vote on that question," they must intend to say that they will for all time say to Arizona, "Unless you change your constitution in that regard we will not admit you at any time in the future." Are the American people ready to take any such position as that, and keep Arizona forever as a Territory unless she submits to such dictation as that?

How absolutely impractical that is when those who say that know that even if they do exact that of Arizona they can not prevent her changing it on the very next day after her admission.

Mr. President, I am not willing myself that the Senator from Idaho, or others in this Chamber or out of it, shall base their opposition to this bill which we have passed upon the contention that they are the saints of the earth and the great and only friends and guardians and protectors of the judiciary, and that the recall of judges is favored by all others who do not believe that we can do that which the Supreme Court says we can not do; or by others who, believing that we can not ultimately control it to the contrary, are still willing that the State shall come in, and that she shall decide these matters for herself. Disagreeing with them, as we do, recognizing, as we do, that the people of the State must ultimately control it for themselves, we simply provide a safeguard—that the people of Arizona shall immediately have a second vote upon and determine that question upon a reconsideration; and when they shall have again determined upon it, recognizing that it is their right so to determine, when they have so determined it, we recognize that one of two things must be—either that they shall be perpetually excluded, or else that when admitted they have the power to fix it in the way that they themselves shall determine, and that there is no power in this Government, executive or legislative or judicial, to deprive them of that right.

Mr. HEYBURN. The trouble is that we have said to them, "Match your judgment again against that of the Congress of the United States, and if you still differ, we will allow the judgment of an unorganized political body to outweigh the judgment of the United States Congress." That is the situation it is in to-day.

Mr. BACON. I will ask the Senator, with his permission, this question.

The PRESIDING OFFICER. Does the Senator from Idaho further yield to the Senator from Georgia?

Mr. HEYBURN. Yes.

Mr. BACON. Would the Senator from Idaho, if he were satisfied that the people of Arizona would not change their constitution in that particular in the next 100 years, be willing that the Congress of the United States—of course, he can not hope himself to be here that long—but would it be in accordance with his view of the proper action that the Congress of the United States for the next 100 years should say to Arizona, "You shall not be admitted as a member of the Union because of the fact that you favor the recall of judges"?

Mr. HEYBURN. Yes. I do not think I would consent to a violation of the organic principles and laws of our land merely because it had been long insisted upon. That does not appeal to me at all.

Mr. BACON. That was not the question I asked the Senator.

Mr. HEYBURN. The Senator is talking as though there were a sovereignty down there that is invested with sovereign rights. There is no sovereignty in Arizona.

Mr. BACON. The people are.

Mr. HEYBURN. No; the people in an unorganized Territory are not sovereign.

Mr. BACON. But when they become a State they will be.

Mr. HEYBURN. I know, but they have not yet become a State. So we can eliminate all talk about sovereignty.

Mr. BACON. I should like the Senator to answer the question.

Mr. HEYBURN. I will answer it. I did not hear the Senator's question.

Mr. BACON. I will limit the question to the term of the Senator's future as a Senator.

Mr. HEYBURN. I have answered that.

Mr. BACON. No——

Mr. HEYBURN. I have said I would exclude them so long as they insisted upon that kind of a constitution.

Mr. BACON. With the full knowledge of the fact that if they were admitted with that eliminated from their constitution they would have the right on the day after their admission to put it back in their constitution, the Senator would still prohibit their coming in for all time until they made that as the preliminary condition?

Mr. HEYBURN. I do not need to go that far, because when they become a State they are under exactly the same guidance and power as other States. But that would not excuse us for giving our approval to a constitution that on its face permitted them to do something we do not approve of, merely because they might at some later time do it.

Mr. BACON. Some of us do not give our approval to it. But that is the exact point, and the very fact that we put it into this bill that they shall vote on it again shows that we do not approve of it; but we recognize that if upon calm deliberation and a second consideration they determine to put it in, it is their right, and we have no right to interfere with them and coerce them to take it out of their constitution; and, further, that it would be child's play to do so, because they can change their constitution to their liking on the next day after their admission into the Union.

Mr. BOURNE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Oregon?

Mr. HEYBURN. For a question.

Mr. BOURNE. It is a question for the Chair. I should like to ask what motion is before the Senate?

The PRESIDING OFFICER. The motion before the Senate is that the Senate proceed to the second reading of the bill.

Mr. BOURNE. The Senator from Idaho withdrew his motion to table the motion?

Mr. HEYBURN. Yes. That left the motion stand as though my motion had not been made.

Mr. BOURNE. So the question is on the second reading?

Mr. HEYBURN. It is on the motion to proceed to the second reading of the bill, and I have only imposed upon the time of the Senate in order that this bill may not go out unbranded and mislabeled during our absence between now and the next session of Congress.

I have stated my purpose. It is of more importance than any conference report or any tariff schedule or any other question now pending in either House of Congress. If a bill of this kind could become a law it would be a harder blow at the institutions of this country than the failure of all the legislation now pending in either or both Houses.

Does the Senator realize that—that this is an attack upon the Supreme Court of the United States and upon its jurisdiction such as no man has ever even suggested in either House of Congress?

Mr. BOURNE. I differ entirely with the Senator from Idaho.

Mr. HEYBURN. I know; but I do not yield merely to be differed with.

Mr. BOURNE. I think we ought to have argument on these points.

Mr. HEYBURN. Yes; I welcome any argument.

Mr. BOURNE. I am waiting for them.

Mr. HEYBURN. I have waited, too, for interruptions, and cheerfully. I intend that the objections to this class of legislation shall be in the same RECORD as the motion to proceed to a second reading, so that when people read the CONGRESSIONAL RECORD they will have something on the same pages that will probably explain this proposition.

Mr. BOURNE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Oregon?

Mr. HEYBURN. For a question.

Mr. BOURNE. I was simply going to state that I concurred with the Senator in his desire to have relativeness furnished in the RECORD; and I am speaking——

Mr. HEYBURN. I did not yield for a counter discussion, because that may come in the Senator's own time.

The PRESIDING OFFICER. The Senator from Idaho declines to yield further.

Mr. HEYBURN. This undertakes to provide rules for the speedy and final decision of questions concerning the constitutionality of national and State laws.

In other words, if a State legislature were to enact a statute that was in plain violation of, or beyond its power under, the Constitution of the United States, it would require a unanimous decision by the Supreme Court of the United States to stay its operation. That is written on the face of the proposition.

Mr. BOURNE. Does not the Senator from Idaho think the Supreme Court would be able to detect that unconstitutionality and that the decision would be unanimous in that case?

Mr. HEYBURN. I think the Senator has confused his question somewhat. The Senator is undertaking to provide that the decision shall be unanimous in order that it may stay the operation of a State statute that is in violation of the Constitution of the United States. He undertakes to provide that it can only be determined by a unanimous Supreme Court that such statute of a State is in violation of the Constitution of the United States.

Now, I can imagine nothing more subversive of the principles upon which our courts and legislative bodies rest or the principles that discriminate and distinguish between the power of the State and the power of Congress. Nothing could be more dangerous. There have been times in this country within the memory of the Senator from Oregon, within my memory and that of many men, when a rule of that kind would have compelled the Government of the United States to stand still while its flag was being hauled down and while this country was being dismembered, by the necessity of a unanimous decision as to the effect of a State statute.

When I said that the proposition was one fraught with so much danger that I could not sit here and see it advance along legislative lines without calling it to account, I was seriously in earnest and am now. I do not assume to advise the Senator from Oregon as to what he should do in the exercise of his duty as a Senator, but I would urge upon him to consider seriously the advisability of withdrawing that from the files of the Senate, because it will stand here as an effort to destroy the power of the Supreme Court of the United States; and the charges, while I do not make them or attribute them to the Senator from Oregon, against an effort of that kind, will be that it is in the interest of anarchy, in order that a new State, for instance, should there ever be a State of Arizona, controlled by the element that controlled its constitutional convention, can make a law subversive of the principles of our Government and no protection will exist in the Supreme Court of the United States for the General Government in dealing with that State.

Mr. BOURNE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Oregon?

Mr. HEYBURN. Yes; I yield.

Mr. BOURNE. I am obliged to the Senator from Idaho for his solicitude in reference to myself and the responsibility I have assumed. I think I fully understand the scope of this bill. I gave it due consideration before I took the responsibility of introducing it. I have introduced the bill and shall continue my motion to have it referred to the Committee on the Judiciary notwithstanding the strictures of the Senator from Idaho.

Mr. HEYBURN. Mr. President, the time to check and brand that kind of legislation is when it seeks to enter the field of legislation.

THE COTTON SCHEDULE.

The VICE PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is House bill 12812.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12812) to reduce the duties on manufactures of cotton.

The VICE PRESIDENT. The pending amendment is the amendment offered by the Senator from Iowa [Mr. CUMMINS].

Mr. LA FOLLETTE. I ask unanimous consent that the unfinished business be temporarily laid aside.

Mr. HEYBURN. I object, Mr. President.

The VICE PRESIDENT. Objection is made. The pending question is on the amendment of the Senator from Iowa.

Mr. HEYBURN. I withdraw my objection.

The VICE PRESIDENT. The Senator from Wisconsin asks unanimous consent to lay aside temporarily the unfinished business. Is there objection? The Chair hears none.

TARIFF DUTIES ON WOOL.

Mr. LA FOLLETTE. I present the conference report on House bill 11019, and move that the Senate agree to the report of the committee of conference.

Mr. HEYBURN. I desire to enter an objection against the Senate receiving this report.

The VICE PRESIDENT. An objection does not avail against the Senate's receiving a report.

Mr. HEYBURN. It seems to me, with all deference to the Chair, that at least that manner of procedure should be suggested; otherwise it might afterwards be held that that was the time. This comes, or purports to come, from the House. There is no legislative law under which this measure can come from the House to this body. Of course, the Senate will take notice of the fact that——

Mr. LA FOLLETTE. Mr. President, if the Senator will permit, the report which I present does not purport to come from the House. I present the report of the conferees of the Senate on the bill.

Mr. HEYBURN. That is, as an original report.

Mr. LA FOLLETTE. Yes, sir.

Mr. HEYBURN. That is the regular order.

Mr. LA FOLLETTE. Yes.

The VICE PRESIDENT. The papers that have come from the House should be on the Secretary's desk.

Mr. LA FOLLETTE. The papers are in the possession of the Senate, and I present the conference report.

Mr. HEYBURN. Yes, Mr. President, but the record——

The VICE PRESIDENT. If the Chair may be indulged for a moment, the papers which the Senator from Wisconsin has on his desk should be on the Secretary's desk and should be laid before the Senate by the Chair, and then the Senator should present the conference report.

Mr. LA FOLLETTE. If the Chair will permit me——

The VICE PRESIDENT. Certainly.

Mr. LA FOLLETTE. The papers having been messaged over to the Senate, they are in the possession of the Senate.

The VICE PRESIDENT. And should be on the Clerk's desk.

Mr. LA FOLLETTE. Then there can be no question, and I think there could have been no question before, under the rules of the Senate, that the conferees could have at any time presented their report.

The VICE PRESIDENT. Certainly; but not until the Chair had laid before the Senate the papers that came from the other House.

Mr. LA FOLLETTE. I present the report without reference to the action of the House, as the Senate conferees have the perfect right to do.

The VICE PRESIDENT. But the papers should be here, and the papers are here.

Mr. LA FOLLETTE. They are here.

The VICE PRESIDENT. The Chair lays before the Senate the action of the House of Representatives agreeing to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 11019) to reduce the duties on wool and manufactures of wool.

Mr. HEYBURN. Does the Chair present it as a conference report coming from the House?

The VICE PRESIDENT. He presents it as a message coming from the House of Representatives.

Mr. HEYBURN. Then I will object to that. That was the objection I suggested, because, under the law governing both bodies, no such papers can come from the House. These papers were in the possession of the Senate. They have no right under the law to be in the possession of the other body. That is clearly the law. There can be no question about it, I think.

The VICE PRESIDENT. The Chair is not of that opinion.

Mr. HEYBURN. It is stated in the rule in regard to conference committees that the conference must be asked for by the House possessing the papers, and the papers must be left with the conferees of the House granting it; that is, the Senate. The Senate granted the conference; they are in possession of the papers. Whether physically in possession or not, they are in possession of them under the rule. In one case the papers were in the physical possession of neither body; they were lying on a table in a committee room; but the Chair ruled that inasmuch as the law governing both bodies with reference to conferences prevailed, they should be with the House granting the conference and the physical possession made no difference. These papers were in the hands of the Senate conferees, and the rules governing this body are as binding as the law of the land. Neither House can disregard them. It would require joint action of both Houses to disregard the rules that are made applicable to the joint procedure of the two Houses. They provide in unquestioned terms that the papers must be left with the conferees of the House granting the conference, by which House and at what stages to be asked is laid down on pages 139 and 140 of Jefferson's Manual, which is the law governing it.

Now, because, forsooth, the House wrongfully had the physical possession of the papers, it gave it no right to act upon the conference report; and if there was no jurisdiction in the House to pass upon the conference report then the Senate should not receive it. The Senate acts originally upon the report under the law.

The Senator from Wisconsin, having charge of these papers and of this conference report, may very properly make an original report to the Senate, but there is nothing in the papers purporting to be a message from the House that can be laid before the Senate any more than as though there had been no bill passed. There is no jurisdiction for it to pass upon it.

Inasmuch as this has been the subject of frequent discussion, commencing as early as 1813 and carried all through the line of precedents, and it having been uniformly held that the mere accidental possession of the papers was not the possession contemplated by the parliamentary law governing us, I take the position that if we act here this morning, we must act upon the report of the conference that comes from our own conferees and not upon the report coming over from the House.

See the difference that it makes in legislation. It gives this body the possession and the jurisdiction of the question now, and it may never go to the House. This conference report may die or be defeated in this body, and it is a very serious question, affecting legislation vitally. It is not a question of easy accommodation, because we have the conference report here where it belongs. There can be no action in the other body until this body has acted upon it. There can not be concurrent action. There can not be concurrent jurisdiction to act upon it. It affects the very life of the legislation.

Suppose it were an appropriation bill, the conference being granted by the Senate, the mere fact that the papers were placed upon the wrong table or handed to the wrong man would not affect the jurisdiction of this body to first determine the action of the conference as to accepting or rejecting it. It would affect the legislation vitally, because until this body does pass upon it the other body has no jurisdiction.

Now, because, and only because, of the seriousness of this question have I assumed to take the time of the Senate. Here is a bill coming to the Senate from the House as other revenue bills, acted upon by the Senate, amended, and the conference at the hands of the Senate, the bill in the possession of the Senate, safe against the contention of the other body. Our amendments are safe against attack until after we have passed upon the question as to whether we will insist upon the amendments. It would be, if I may use a familiar term, rather slipshod legislation to say it did not make any difference which House passed upon it first, because one House might be favorable to the legislation and the other unfavorable to it, and if it came to the House under the parliamentary law that had jurisdiction of it that House would have a right to keep the legislation within its own possession and say that unless you do concur in the views of this body we will not permit this legislation to again see the daylight. That is not only a great privilege, but it is a sacred privilege. It belongs to the jurisdiction of the House, whichever one it may be, and gives it the power to control and enforce its legislation.

I urge this not because it would probably make much difference in this case, and yet it might. This wool schedule is open to debate and it is open to debate in this body and not in any other until after this body has passed upon the report and either adopted it or rejected it or sent the conferees back.

I do not want to discuss the wool schedule upon the basis of a conference report coming from the House, but I do want to discuss it upon the basis of a conference report coming from our own conferees originally into this body. Therefore I ask that the report offered by the Senator from Wisconsin be the report accepted by the Senate, and that the Senate do not accept the other report, because it is without jurisdiction, and that fact is within the knowledge of this body and needs no proof or circumstance to establish it.

Mr. LA FOLLETTE. Mr. President, the report presented by the Senate conferees is the only report before the Senate. It is presented under the rules and is in order.

Mr. HEYBURN. I do not object to it.

Mr. LA FOLLETTE. I understand the Senator from Idaho does not object to that.

Mr. HEYBURN. No; but I object to the one that the Chair presented.

Mr. LA FOLLETTE. But that is not the report which is before the Senate.

Mr. HEYBURN. The Chair presented it.

The VICE PRESIDENT. The Senator from Wisconsin presented a conference report, which he had a right to do under the rule. The Senate received a message from the House of Representatives on yesterday transmitting certain papers. It was necessary that those papers should be here to have the report of the Senator from Wisconsin acted upon. They are here. The report is here. The question is on agreeing to the report.

Mr. LA FOLLETTE. I move that the Senate agree to the report of the Senate committee of conference.

Mr. HEYBURN. Mr. President——

The VICE PRESIDENT. The Senator from Wisconsin moves that the Senate agree to the conference report. The Senator from Idaho is recognized.

Mr. HEYBURN. I ask that the conference report be printed. It will obviate the necessity of interrogating the Senator from Wisconsin.

Mr. LA FOLLETTE. I ask to have it presented to the Senate.

Mr. HEYBURN. Does the Senator concur in the request that it be printed?

The VICE PRESIDENT. It will be read, and when read will be printed in the RECORD as a matter of course.

Mr. LA FOLLETTE. I expected it to be read.

Mr. HEYBURN. Will the Senator consent that it go over and be printed, so that we may have the print before us when we discuss it?

Mr. LA FOLLETTE. I would like to dispose of it to-day——

Mr. HEYBURN. I do not think that is possible.

Mr. LA FOLLETTE. If it is possible.

Mr. HEYBURN. I do not think it is possible.

Mr. LA FOLLETTE. Mr. President——

The VICE PRESIDENT. The better course perhaps is to have the conference report read first any way.

Mr. LA FOLLETTE. I ask to have the conference report read.

Mr. HEYBURN. Very well.

The VICE PRESIDENT. The Secretary will read the conference report.

Mr. LA FOLLETTE. That will put it in the RECORD.

The Secretary read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 11019) to reduce the duties on wool and manufactures of wool, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"That the act approved August 5, 1909, entitled 'An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes,' is hereby amended by striking out all of Schedule K thereof, being paragraphs 360 to 395, inclusive, and inserting in lieu thereof the following:

"Schedule K. Wool and manufactures thereof.

"360. On wool of the sheep, hair of the camel, goat, alpaca, and other like animals, and on all wools and hair on the skin of such animals, the duty shall be 29 per cent ad valorem.

"361. On all noils, top waste, card waste, slubbing waste, roving waste, ring waste, yarn waste, bur waste, thread waste, garnetted waste, shoddies, mungo, flocks, wool extract, carbonized wool, carbonized noils, and on all other wastes and on woolen rags composed wholly of wool or of which wool is the component material of chief value, and not specially provided for in this section, the duty shall be 29 per cent ad valorem.

"362. On combed wool or tops and roving or roping, made wholly of wool or camel's hair, or of which wool or camel's hair is the component material of chief value, and all wools and hair which have been advanced in any manner or by any process of manufacture beyond the washed or scoured condition, not specially provided for in this section, the duty shall be 32 per cent ad valorem.

"363. On yarns made wholly of wool or of which wool is the component material of chief value, the duty shall be 35 per cent ad valorem.

"364. On cloths, knit fabrics, flannels not for underwear, composed wholly of wool or of which wool is the component material of chief value, women's and children's dress goods, coat linings, Italian cloths, bunting, and goods of similar description and character, clothing, ready-made, and articles of wearing apparel of every description, including shawls, whether knitted or woven, and knitted articles of every description made up or manufactured wholly or in part, felts not woven, and not specially provided for in this section, webbings, gorings, suspenders, braces, bandings, beltings, bindings, braids, galloons, edgings, insertings, flouncings, fringes, gimps, cords, cords and tassels, ribbons, ornaments, laces, trimmings, and articles made wholly or in part of lace, embroideries and all articles embroidered by hand or machinery, head nets, nettings, buttons or barrel buttons or buttons of other forms for tassels or ornaments, and manufactures of wool ornamented with beads or spangles of whatever material composed, on any of the foregoing and on all manufactures of every description made by any process of wool or of which wool is the component material of chief value, whether containing india rubber or not, not specially provided for in this section, the duty shall be 49 per cent ad valorem.

"365. On all blankets, and flannels for underwear, composed wholly of wool, or of which wool is the component material of chief value, the duty shall be 38 per cent ad valorem.

"366. On Aubusson, Axminster, moquette, and chenille carpets, figured or plain, and all carpets or carpeting of like character or description; on Saxony, Wilton, and Tournay velvet carpets, figured or plain, and all carpets or carpeting of like character or description; and on carpets of every description, woven whole for rooms, and oriental, Berlin, Aubusson, Axminster, and similar rugs, the duty shall be 50 per cent ad valorem.

"367. On Brussels carpets, figured or plain, and all carpets or carpeting of like character or description; and on velvet and tapestry velvet carpets, figured or plain, printed on the warp or otherwise, and all carpets or carpeting of like character or description, the duty shall be 40 per cent ad valorem.

"368. On tapestry Brussels carpets, figured or plain, and all carpets or carpeting of like character or description, printed on the warp or otherwise; on treble ingrain, three-ply, and all-chain Venetian carpets; on wool Dutch and two-ply ingrain carpets; on druggets and bockings, printed, colored, or otherwise; and on carpets and carpetings of wool or of which wool is the component material of chief value, not especially provided for in this section, the duty shall be 30 per cent ad valorem.

"369. Mats, rugs for floors, screens, covers, hassocks, bedsides, art squares, and other portions of carpets or carpeting made wholly of wool or of which wool is the component material of chief value, and not specially provided for in this section, shall be subjected to the rate of duty herein imposed on carpets or carpeting of like character or description.

"370. On all manufactures of hair of the camel, goat, alpaca, or other like animal, or of which any of the hair mentioned in paragraph 360 form the component material of chief value, not specially provided for in this section, the duty shall be 49 per cent ad valorem.

"371. Whenever in this act the word 'wool' is used in connection with a manufactured article of which it is a component material, it shall be held to include wool or hair of the sheep, camel, goat, alpaca, or other like animals, whether manufactured by the woolen, worsted, felt, or any other process."

SEC. 2. That on and after the day when this act shall go into effect all goods, wares, and merchandise previously imported and hereinbefore enumerated, described, and provided for, for which no entry has been made, and all such goods, wares, and merchandise previously entered without payment of duty and under bond for warehousing, transportation, or any other purpose, for which no permit of delivery to the importer or his agent has been issued, shall be subjected to no other duty upon the entry or withdrawal thereof than the duty which would be imposed if such goods, wares, or merchandise were imported on or after that date.

SEC. 3. That all acts and parts of acts in conflict with the provisions of this act be, and the same are hereby, repealed. This act shall take effect and be in force on and after the 1st day of October, 1911.

And the Senate agree to the same.

ROBERT M. LA FOLLETTE,
J. W. BAILEY,
F. M. SIMMONS,
Managers on the part of the Senate.
O. W. UNDERWOOD,
C. B. RANDELL,
FRANCIS BURTON HARRISON,
Managers on the part of the House.

The VICE PRESIDENT. The question is on agreeing to the report.

Mr. LA FOLLETTE. I will present to the Senate a written statement by the managers on the part of the Senate:

The managers on the part of the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 11019) to reduce the duties on wool and the manufactures of wool, submit the following statement upon the agreement recommended in the accompanying report:

The agreement of the committee of conference is in the form of a substitute for the House bill and the amendment of the Senate as to the differences between the two Houses on the rates of duty on wool and the manufactures thereof, is as follows:

The rate of duty agreed upon for all raw wool of the sheep, hair of the camel, goat, alpaca, and other like animals, and on all wools and hair on the skin of such animals, is 29 per cent ad valorem instead of 20 per cent ad valorem, as proposed in the House bill, and 35 per cent ad valorem on fine wools, 30 per cent ad valorem on fine wools on the skin, and 10 per cent ad valorem on all coarse wools and hair, as proposed in the Senate amendment.

The rate of duty agreed upon for all wool wastes and woolen rags is 29 per cent ad valorem instead of 20 per cent ad valorem as proposed in the House bill and the rates of 25 per cent ad valorem on shoddy, noils, wool extract, yarn waste and thread waste, woolen rags, mungo, and flocks, and 30 per cent ad valorem on top waste, slubbing waste, roving waste, ring waste, and garnetted waste, as proposed in the Senate amendment.

The rate of duty agreed upon for combed wool or tops and on all wools and hair which have been advanced in any manner or by any process of manufacture beyond the washed or scoured condition, not specially provided for, is 32 per cent ad valorem instead of 25 per cent ad valorem, as proposed in the House bill, and 40 per cent ad valorem, as proposed in the Senate amendment.

The rate of duty agreed upon for yarns is 35 per cent ad valorem instead of 30 per cent ad valorem, as proposed in the House bill, and 45 per cent ad valorem, as proposed in the Senate amendment.

The rate of duty agreed upon for cloths, knit fabrics, women's and children's dress goods, coat linings, Italian cloths, buntings and goods of similar description and character, ready-made clothing and articles of wearing apparel of every description not specially provided for is 49 per cent ad valorem instead of 40 per cent ad valorem, as proposed in the House bill on cloths, knit fabrics, felts not woven, and all manufactures of every description not specially provided for, and 45 per cent ad valorem, as proposed in the House bill, on women's and children's dress goods, coat linings, Italian cloths, bunting, and goods of similar description, and 45 per cent ad valorem as proposed in the House bill on ready-made clothing and articles of wearing apparel of every description not specially provided for, and 35 per cent ad valorem as proposed in the House bill on webbings, gorings, suspenders, braces, bandings, beltings, bindings, braids, galloons, edgings, insertings, flouncings, fringes, guimps, cords, cords and tassels, ribbons, ornaments, laces, trimmings and articles made wholly or in part of lace, embroideries, and so forth, 55 per cent ad valorem as proposed in the Senate amendment.

The rate of duty agreed upon for all blankets and flannels for underwear, composed wholly of wool or of which wool is the component material of chief value, is 38 per cent ad

valorem, instead of 30 per cent ad valorem as proposed in the House bill on blankets and flannels valued at less than 50 cents per pound, and 45 per cent ad valorem as proposed in the House bill on blankets and flannels composed wholly or in part of wool when valued at more than 50 cents per pound, and 55 per cent ad valorem on all blankets and flannels for underwear as proposed in the Senate amendment.

The rate of duty agreed upon for Aubusson, Axminster, moquette, and chenille carpets, figured or plain, and all carpets or carpeting of like character or description, on Saxony, Wilton, and Tourney velvet carpets, figured or plain, and all carpeting of like character or description, and on carpets of every description, woven whole for rooms, and on Oriental, Berlin, Aubusson, Axminster, and similar rugs, is 50 per cent ad valorem instead of 40, 35, and 50 per cent ad valorem, as proposed in House bill, and 35 per cent ad valorem, as proposed in the Senate amendment.

The rate of duty agreed upon for Brussels carpets, figured or plain, and all carpets or carpeting of like character or description, and on velvet and tapestry velvet carpets, figured or plain, printed on the warp, or otherwise, and all carpets or carpeting of like character or description, is 40 per cent ad valorem instead of 30 and 25 per cent ad valorem, as proposed in the House bill, and 35 per cent ad valorem, as proposed in the Senate amendment.

Mr. HEYBURN. Let me interrupt the Senator, Mr. President. I should like to have those figures stated again.

Mr. LA FOLLETTE. The rate of duty agreed upon for Brussels carpets, figured or plain, and all carpets or carpeting of like character or description, and on velvet and tapestry velvet carpets, figured or plain, printed on the warp, or otherwise, and all carpets or carpeting of like character or description, is 40 per cent ad valorem instead of 30 and 25 per cent ad valorem, as proposed in the House bill, and 35 per cent ad valorem, as proposed in the Senate amendment.

Mr. HEYBURN. That is 40 per cent ad valorem in the conference report?

Mr. LA FOLLETTE. In the conference report.

Mr. HEYBURN. Instead of 30 per cent and 25 per cent.

Mr. LA FOLLETTE. Instead of 30 per cent and 25 per cent ad valorem, as proposed in the House bill, and 35 per cent ad valorem, as proposed in the Senate amendment.

Mr. HEYBURN. Mr. President, that can not be done by a conference report.

Mr. LA FOLLETTE. If the Senator will permit me, I will conclude the reading of the report.

Mr. HEYBURN. Yes; but I want to be able to identify that item, because it is in violation of the rules governing conference committees.

Mr. LA FOLLETTE. That we will discuss hereafter. [Continuing the reading of the statement of the Senate conferees:]

The rate of duty agreed upon for tapestry Brussels carpets, figured or plain, and all carpets or carpeting of like character or description, printed on the warp or otherwise, and on treble ingrain three-ply, and all chain Venetian carpets, and on wool Dutch and two-ply ingrain carpets, and on druggets and bockings, printed, colored, or otherwise, is 30 per cent ad valorem instead of 25 per cent ad valorem, as proposed in the House bill, and 35 per cent ad valorem, as proposed in the Senate amendment.

The rate of duty agreed upon for all manufactures of hair of the camel, goat, alpaca, or other like animals is 49 per cent ad valorem instead of 35, 40, and 45 per cent ad valorem, as proposed in the House bill, and 30 per cent ad valorem, as proposed in the Senate amendment. This change was made necessary as a result of increasing the duty on the raw material from 10 per cent ad valorem, as proposed in the Senate amendment, to 29 per cent ad valorem, as insisted upon by the House conferees.

It is agreed that the date when the act shall take effect and be in force be changed from January 1, 1912, to October 1, 1911.

ROBERT M. LA FOLLETTE,
J. W. BAILEY,
F. M. SIMMONS,
Managers on the part of the Senate.

The VICE PRESIDENT. The Senator from Idaho having objected to the present consideration of the conference report, the question is, Will the Senate now consider the report?

Mr. HEYBURN. Mr. President——

The VICE PRESIDENT. The question is not debatable.

Mr. HEYBURN. I know it is not; but, if the Chair will permit me, I did not understand whether the Senator from Wisconsin agreed to have this printed to-day. I would not raise the point if it could be printed to-day.

The VICE PRESIDENT. It may be that the Senator does not wish it considered now; but the Chair understood that he did.

Mr. LA FOLLETTE. I certainly have asked for its consideration to-day.

The VICE PRESIDENT. The Senator from Idaho objects. Therefore, the question is on the motion to consider the conference report.

The motion was agreed to, and the Senate proceeded to consider the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 11019) to reduce the duties on wool and manufactures of wool.

Mr. HEYBURN. Mr. President——

The VICE PRESIDENT. Before the Senator from Idaho begins, so that the Senator will not misunderstand the Chair, the Chair laid before the Senate the message from the House of Representatives which was sent over with the conference report, which was agreed to there. The Senator from Idaho objected to its receipt. The Chair stated to the Senator from Idaho that an objection did not avail. It may be that the Senate might desire to refuse to receive the report on motion by a vote, but a single objection would not avail. The Chair wanted to make that plain to the Senator from Idaho.

Mr. HEYBURN. Mr. President, I think it is of sufficient importance, both as it affects this case and as determining the practice, to raise that question and let it be passed upon. I move that the Senate will not receive the report from the other House. I think the Chair has just stated that in rather different language. I objected to receiving the report, and I ask that that question be submitted. If a motion is not in order, the Chair, I presume, under general parliamentary practice, would submit the question to the Senate.

The VICE PRESIDENT. The Chair thinks that the motion that the Senate refuse to accept the message from the other House would be in order.

Mr. HEYBURN. Then, I make the motion that the Senate refuse to accept the message from the House of Representatives.

The VICE PRESIDENT. The Senator from Idaho moves that the Senate refuse to accept the message from the House of Representatives transmitting the House conference report with the information that it has been adopted by the House. The question is on that motion. [Putting the question.] The motion is lost.

Mr. HEYBURN. I ask for the yeas and nays, and I hope they will be given.

The yeas and nays were not ordered.

Mr. HEYBURN. Well, Mr. President, I will bring the matter to the attention of the Senate. If Senators are not impressed with the responsibility of maintaining the rules that protect their own procedure, I will not be included in that irresponsibility. There is no clearer proposition stated in the legislative law governing this body than that the Senate should stand upon its rights in regard to this matter, yet in this hour it seems to be very careless as to whether it does. The time may come, and the time will come, when it will realize that questions of this kind are worthy of more than a smile. The idea of the Senate of the United States caring so little for the parliamentary rules that protect it in its legislation as to refuse the yeas and nays on a motion of that kind will some day be appalling. Perhaps Senators would rather get home. Well, that is a worthy desire sometimes.

This report violates the law governing and limiting the rights of conferees in more than one instance. A few instances will be sufficient. The conferees have raised the duties on carpets above both rates prescribed by the House and the Senate. They can not do it unless they choose to violate that rule, as they have shown a willingness to have other laws violated; that is all. I do not know that it avails anything to point out these violations of the law in this hour, but it shall never be said that they were not pointed out.

Mr. SMOOT. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Utah?

Mr. HEYBURN. Yes; I do.

Mr. SMOOT. While the Senator from Idaho is on that point I want to call his attention to a more flagrant case than that of carpets.

The duty on the hair of the camel, goat, alpaca, or other like animals was 20 per cent under the Underwood bill and free under the original La Follette bill; the La Follette substitute made it 10 per cent, and now the conferees come in here with a report to make the duty 29 per cent.

Mr. HEYBURN. We might extend that criticism to several other items; in fact to nearly all of them. In this hour of absolute disregard of the law, perhaps that will be all right.

Mr. CURTIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Kansas?

Mr. HEYBURN. Yes; I yield.

Mr. CURTIS. I think the proper way to reach this point, if there has been a change made by the conferees which is not authorized, would be by a point of order.

Mr. HEYBURN. A change! Why, the changes are too numerous to count.

Mr. CURTIS. What I desire to know is whether the Senator is making a point of order against such changes?

Mr. HEYBURN. No; I am not making a point of order, because I propose to let the RECORD show for the future how seriously these questions were considered at this time—whether it was more important to get home than it was to follow the law.

The rate of duty proposed upon yarns is 35 per cent ad valorem, instead of 30 per cent, as fixed in the House bill, and 45 per cent, as proposed by the Senate amendment. That is within the rule; that is a compromise between two rates; but 49 per cent as against 40 per cent, the highest rate proposed by either House, is not within the rule; in other words, the conference committee have assumed to legislate outside of and beyond the terms of the bill of either House, and they have done it in direct violation of the laws governing conferences. There is a line of decisions in our book of precedents, covering pages, wherein the law is stated as it has been since the earliest days of the Congress of the United States that prohibits it; and the same is true in all legislative bodies.

Mr. FLETCHER. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Florida?

Mr. HEYBURN. Yes; I yield.

Mr. FLETCHER. As I understand, Mr. President, the motion of the Senator from Wisconsin [Mr. LA FOLLETTE] was that the Senate adopt the conference report. After that the Chair put the motion that the Senate proceed to the consideration of the conference report, which motion was agreed to. Now, I ask, for the purpose of ascertaining just exactly what is the parliamentary situation, is the question now before the Senate on the motion to adopt the conference report?

Mr. HEYBURN. That is the question.

Mr. FLETCHER. Do I understand that to be the parliamentary situation, Mr. President?

The VICE PRESIDENT. The pending question is on the motion to adopt the conference report.

Mr. HEYBURN. If the points which appear upon the face of the statement read by the Senator in charge of the conference report do not attract the attention of this body in this hour, perhaps some day, when these conditions are cited as a precedent, Senators will take notice. If we want to establish a precedent of this kind at this time for convenience, it may be inconvenient to meet these questions in future legislation. So much for the report.

Mr. President, the reduction of the duty upon wool, from 11 cents to 29 per cent ad valorem, is destructive of that interest in this country and also destructive of the meat interest involved in it. The duty of 29 per cent ad valorem on the price of wool yesterday in the market from which we buy wool is less than 2 cents a pound. It is a reduction from 11 cents today to less than 2 cents a pound. I have taken some care to ascertain the price upon which the customs duties would be estimated at the customhouse, and on the basis of yesterday's prices the duty as proposed in the conference report would have been one and a little over seven-eighths cents. They call that protection.

The wool industry of this country has grown up under a protective duty of 11 cents a pound. Senators, in the kindness of their hearts, have sought to excuse somebody for something by saying that it is only nominally 11 cents. I have gone as far into that question as the facts and conditions will permit it to be investigated, and I take issue with them. Merely because one quality of wool is included in the classification under the Payne-Aldrich bill, it does not follow that it diminishes the duty of 11 cents upon the fleeces.

I have taken some pains to ascertain the percentage of wool coming into this country that comes in fleeces. Such wool is unskirted; it comes in whole fleeces, and it includes the skirting clause, upon which the Senator from Utah [Mr. SMOOT] a few days ago gave us some very interesting information. When you bring the whole fleece in under a duty of 11 cents, it is immaterial how much of it comes in under the skirting clause or any other classification, because the duty is upon the whole fleece, to be apportioned in the estimate only by the purchaser and not at the customhouse. The great bulk of wool that comes into this country comes in whole fleeces.

I wonder if Senators know, as a business proposition, what is the effect of this conference report. It used to be said to us that by reducing duties we enlarge our foreign market. I heard that preached up and down this country in 1892, in 1894, and in 1896. They said that unless we gave the world generous terms the world would not buy of us. I have the Government's figures before me. Taking the two periods of four years, the outside world bought less of us when we were buying most in the foreign market. In the four years from 1894, covering 1897—really three years and a half—our imports of wool doubled. I am speaking in general terms to avoid using the detailed figures which I have before me. Our exports during that same time averaged about 25 per cent less than they did during the four years previous. There is the answer to the proposition that the world will not buy of us unless we buy of them and admit their goods free of duty. The importations of wool during the four years of the Wilson law were more than double the importations of the same commodity during the preceding four years and during the succeeding four years; so that the removal of the tariff on wool resulted in doubling our importation, diminishing and destroying the industry. It not only added nothing to the export trade, but diminished it. It diminished it, because as the flocks went out of existence we did not have the commodity to sell; we did not have that proportion and kind of commodity that goes into the foreign market.

Now, you are trying in this hour to repeat that experience, and you will succeed if you ever get this bill through. I have been admonished that there will be nothing gained by speaking in this hour; that there is some power waiting somewhere to lift our hope on wings of relief and protect us against our mistake. Well, I have no responsibility there; I have one here, and I propose to keep pretty close to my own responsibility and to rely as little as possible upon the responsibility of somebody else, and I do not care where that responsibility is.

I do not want this measure to go out to the country as having received anything but the condemnation of those who believe in the protective tariff policy of the Republican Party, and I do not intend that it shall. I want it printed in the same pages that tell the world of the mistake of this hour that we were not unconscious of the folly that we were committing.

It is a serious question. It is said: "Oh, do not be afraid; it will not become a law. We are going to shift our responsibility on to the shoulders of the executive branch of the Government." That does not appeal to me. I do not know what the President of the United States is going to do. I do care, but I do not know, and I am not going to anticipate his action. If it were as hot in here as the desert of Sahara and the days were longer than they are, nevertheless I would give some attention to a duty that rested upon me.

Mr. President, those figures ought to stop any man on either side of the House right here and compel him to vote against this report. Those figures are not in thousands of dollars; they are figures in hundreds of millions of dollars. Just think of the American people in those years of distress, those lean years, when it was all that they could do to live through them, and but for the hope at the end they would have been unable to endure them, just think of them paying out during that time $990,000,000 for wool to foreign countries! That money never came back—not a dollar of it. Nine hundred and ninety million dollars were spent abroad for wool that we should have and could have produced right here at home, and yet we sit here and let this conference report, that is a violation of every rule that governs this body, proceed to adoption, and we look on with a smile.

Do we regard it as unimportant to enact legislation that removes the duty on wool? Congress might as well have gone on and imposed a fine upon the raisers of sheep. It could not have hurt them any worse. They are being destroyed. A duty of 29 per cent on wool which in the market is worth 7¼ cents—and the market price is the basis upon which ad valorem duties are estimated—is a pretense. When you talk about 29 per cent protection on wool you are talking about a farce, and yet it is said, "Do not bother yourself; somebody will save us; somebody will throw out a plank." Why, a measure like that ought to be opposed upon this floor as long as the strength of men would endure. You sit here and draw $7,500 a year, and you will not starve, but you will starve thousands of people elsewhere who do not draw $7,500 a year; you will starve them all right, and yet the matter is regarded as a joke.

I am not speaking alone for my own State, but I am speaking for the citizens of all the States where this industry prevails.

Idaho is one of the large hay-producing States. Her hay crop is worth $15,000,000 a year. The sheep make a market for that crop. It is sold and fed to these animals, which, with the shepherd and his crook, are about to start for new pastures away from our country. It is a matter—I can not call it a matter of sentiment, and it would be absurd to call it a matter of business, so I will leave it unbranded. Yet we are expected patiently to sit here and see it go somewhere, in the hope that somebody will "scotch the snake." Of course, I have no hope of doing more than to express the views I entertain. I am not going to attempt any filibuster against this report, but I have some difficulty in keeping my mind within conservative lines of expression when I contemplate this kind of legislation.

Then they want to shut down the cotton mills of the South and the North for spite; they want to do so because somebody did something to them. I can not vote for that kind of thing. I would stand here opposing the reduction of the duties on cotton goods and manufactures just as long as I would on wool or lumber or farm products or the products of the mine or anything else, because I am a protectionist by principle and not by section.

We feed millions of dollars' worth of hay and grain to flocks that are involved in this kind of legislation, but we will not have the market for that hay and grain when these animals have been legislated out of the country.

It seems to me that this is the hour of political madness. We are in the dog days, and that may account for it, perhaps; but it is surely the hour of political madness when men will stand here with theories and fancies in regard to legislation affecting the interests of other people and propose a measure so absolutely devoid of justice and reason as is this.

Senators from cotton States, how could you support a measure like that, and then, as you must, insist upon adequate protection between your cotton producers and spinners and those of other countries in the world? It has started out wrong on both sides. Somebody thought months ago that they could get into power by fooling the people as to what ought to be done, and promising that they would do it. They made a mistake. They said, "We will get somebody to tell us what it costs to produce things abroad and at home and compare them, then we will fix the profit that they shall make, and the Government will guarantee success to business enterprises by fixing the per cent of profit." Well, if they can do it in commerce, why can they not do it in the case of railroads and every other enterprise, including banks, and say how much money the banks shall make?

Just look at this for a moment. I want to call your attention to this phase of ad valorem duties. Here are the quotations on wool. This is interesting. In the year 1910 coarse wool, washed wool, was 34 cents; in 1909 it was 73 cents. I will go one year back. In 1908 is was 36 cents. Suppose the ad valorem duties had been based upon the price of wool in 1898, and then the next year wool went up to 75 cents, would you change the tariff schedule to conform to the change in the value of the commodity?

Suppose upon wool, which last year was worth 22 cents a pound, which, upon a customhouse basis, would be about 13, you put 29 per cent ad valorem, and this year it is 13½—yesterday 14—what becomes of the equality in the protection? An ad valorem duty of 15 cents wool last year and on 6¾ and 7 cents wool to-day—I am giving foreign prices now—would mean that you would either have to readjust your tariff schedules every year or that the man in business would have to readjust his business through the hands of a receiver.

Ad valorem duties shift and change every day. I have before me a table of the price of commodities affected by this schedule this year and last year and the year before, showing the uncertainty and unsatisfactory methods of an ad valorem duty that must be based or estimated at the customhouse by percentage upon price at the time of the importation with the varying prices that occur every month and sometimes every day.

Then, again, look at this: What effect would it have upon merchants' undertakings? A merchant buys wool in May. He buys wool in May, and pays an ad valorem duty upon the basis of 7 cents. His neighbor buys it in July, and pays an ad valorem duty upon 5 cents. How are those two men going to have fair competition, based upon the cost of the product that they are selling?

You take a woolen mill that is using up tons of wool a day. One mill on one side of the street buys it when the ad valorem duty of 29 per cent amounts to only, say, 5 cents, and wool drops, as it did when this bill was reported, 4 cents a day, and his neighbor buys his wool on the reduced market with the advantage of 4 cents in price and 29 per cent of 4 cents added to that, and then they both start their mills to work to manufacture it, and one of them has a product that cost him one price and the other has a product that cost him a greater price, and how are those two men both going to live in the business world? One of them can sell the other out of existence.

There is the difficulty with that class of duties; and the idea of a Republican conference committee or a Republican Senate shifting from specific to ad valorem duties in an hour, as it were, abandoning the principles that they have contended for since the foundation of the party. At whose behest? At the behest of those who have never known anything of practical government or politics—and I use it in the respectable sense and not in the disreputable sense—who have known nothing about it; who theorize and talk about it, but who have never successfully conducted either a political or a business enterprise. They came here and said, "Why, yes; ad valorem duties." If you could fix by legislation the price at which commodities should be bought, and have it fixed for a year, then all men would be on the same footing buying on the basis of ad valorem duties. But inasmuch as the price shifts every day, the cost of the product of the buyer in this country differs every day.

The great party of protection seems to be napping at this time. It seems to be in the hands of men who care more for being in office than they do for the principles of the party they are supposed to represent. That is what is the matter with our party politics to-day. The question is, "Can I stay there another term? Can I be reelected?" It is not the question, "Are you for the old principles of the party that have been tried and tested and found to be sufficient?" That is not the question. The question is, "How many votes will it cost me if I do this or that or do not do it?"

The great difficulty is that the virus of this condition finds its way into the coming voters—that is, the generation who are to follow—and I am afraid it will require a severe dose of experience to cure this evil.

Mr. President, I am loath to see the conditions that surround us to-day in legislation. We met here under the supposition that the country was in distress, travail, and that we had to redeem it. We have been in session since April, and we have widened Florida Avenue 3 feet for a length of two squares, and we have provided for the building of some bridges across some rivers; but we have not passed a single law except two urgent deficiency bills. They were, of course, a natural result of this session. Outside of that we have enacted no legislation.

Mr. BACON. The Senator from Idaho forgets when we corrected the errors of the last Congress in a matter in which he was vitally interested.

Mr. HEYBURN. No; we did not do that. We repealed some laws that were enacted at the last session.

But we did widen Florida Avenue, and of course that was important. Some people think we have passed a reciprocity tariff act, but we have not. We have to have the consent of a little lady up north here that we see pictured so often as Miss Canada. We are in small business. Instead of being a dominant power among the nations of the earth, we are waiting at the behest of a people that are not a nation, but only a Province. We are not even matching pennies with a full-grown opponent. We are matching pennies with Canada, and Canada will probably do what the small child generally does—it will flaunt its fingers at us and trot away.

Mr. BACON. The Senator will not consider that the time of the session has been entirely lost, because we have had a great deal of interesting talk.

Mr. HEYBURN. That is perhaps gainful to some. I have benefited by much that I have heard, but I would have gotten it anyhow at some time. But we have been engaged in high patriotic duties.

They tell us that no measure that has been voted upon here will receive the approval of the Executive. I am not going to enter into the consideration of that. If it does not receive that approval, we have wasted our time, and these speeches to which the Senator from Georgia refers have gone off into the air. But it has been a great occasion. It is useful as a lesson, just as the danger sign is useful at the air hole in the ice. We will probably not again skate around so near to it. I think that somebody else will think before they spend $2,000,000 as the expense of keeping men who happen to be in office at their duties. I think so. There never was such a waste of time and money in the history of the Government as that represented by this futile Congress in special session.

If any Senator can call my attention to any measure of value that has or will become a law by reason of this special session, I will be interested to know about it, and so will the people when they inquire about it. They will be interested, and they

will wait for an answer just about a minute, and if the answer does not come quick and sharp and clear and satisfactory, the people will probably indulge in a pronouncement that will not be forgotten in the lifetime of anyone present.

Now, take this wool bill, and if you will, sacrifice the interests of these people whom you do not know, but who are just as much citizens of this country and entitled to the benefits of its laws as are the Members of this body. I have said my say.

Mr. LA FOLLETTE. Mr. President, I do not purpose to take the time of the Senate to reply to anything said by the Senator from Idaho [Mr. HEYBURN] except to his strictures upon the conference committee for having departed from the rates fixed in either the Senate or the House bill.

This bill, of course, originated with the House. It came to the Senate. It was not amended by the Senate except as it was amended by the substitute striking out everything below the enacting clause and introducing an absolutely new measure. That opened the entire subject to the fixing of such rates as the conferees might see fit to name.

There is a uniform line of precedents upon that subject, and I send to the clerk's desk for reading by the clerk only two or three, which I have marked, reported in Hinds' Precedents:

The PRESIDING OFFICER (Mr. OLIVER in the chair). Without objection, the clerk will read as requested.

The Secretary read as follows:

Hinds' Precedents, volume 5, section 6421:

"Where one House strikes out all of the bill of the other after the enacting clause and inserts a new text, and the differences over this substitute are referred to conference, the managers have a wide discretion in incorporating germane matters, and may even report a new bill on the subject. On March 3, 1865, Mr. Robert C. Schenck, of Ohio, from the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. 51) entitled 'An act to establish a bureau of freedman's affairs,' reported that the Senate had receded from their amendment, which was a substitute, and the committee had agreed upon, as a substitute, a new bill, entitled 'An act to establish a bureau for the relief of freedmen and refugees.'

"As soon as the report had been read, Mr. William S. Holman, of Indiana, made the point that the report did not come within the scope of the conference committee. It did not report the proceedings of the Senate or an agreement by the committee on an amendment to the Senate's amendment to the House bill, but it reported an entire substitute for both the original bill and the substitute adopted by the Senate, and it established a department unprovided for by either of the other bills."

The Speaker [Mr. Colfax] said:

"The Chair understands that the Senate adopted a substitute for the House bill. If the two Houses had agreed upon any particular language or any part of a section, the committee of conference could not change that; but the Senate having stricken out the bill of the House and inserted another one, the committee of conference have the right to strike out that and report a substitute in its stead. Two separate bills have been referred to the committee, and they can take either one of them or a new bill entirely, or a bill embracing parts of either. They have a right to report any bill that is germane to the bills referred to them."

On an appeal the Chair was sustained—yes 89, nays 35.

The SPEAKER. The Clerk will now read the ruling of Mr. Speaker Carlisle.

The Clerk read as follows:

"Section 6422 of Hinds' Precedents, volume 5:

"'6422. On August 3, 1886, the House had under consideration the report of the committee of conference on the river and harbor bill.

"'Mr. William M. Springer, of Illinois, made the point of order that the conferees had included new matter in their report.

"'The Speaker (Mr. Carlisle) ruled:

"'The House passed a bill to provide for the improvement of rivers and harbors and making an appropriation for that purpose. That bill was sent to the Senate, where it was amended by striking out all after the enacting clause and inserting a different proposition in some respects, but a proposition having the same object in view. When that came back to the House it was treated, and properly so, as one single amendment and not as a series of amendments, as was contended for by some gentlemen on the floor at the time.

"'It was nonconcurred in by the House and a conference was appointed upon the disagreeing votes of the two Houses. That conference committee having met, reports back the Senate amendment as a single amendment with various amendments, and recommends that it be concurred in with the other amendments which the committee has incorporated in its report. The question, therefore, is not whether the provisions to which the gentleman from Illinois alludes are germane to the original bill as it passed the House, but whether they are germane to the Senate amendment which the House had under consideration and which was referred to the committee of conference. If germane to that amendment, the point of order can not be sustained on the ground claimed by the gentleman from Illinois. The Chair thinks they are germane to the Senate amendment, for, though different from the provisions contained in the Senate amendment, they relate to the same subject, and therefore the Chair overrules the point of order.'"

The SPEAKER. The Clerk will read the decision by Mr. Speaker Henderson.

The Clerk read as follows:

"Section 6423, volume 5, Hinds' Precedents:

"'6423. On February 25, 1901, Mr. GILBERT N. HAUGEN, of Iowa, presented the report of the committee of conference on the disagreeing votes of the two Houses on the bill (S. 2799) to carry into effect the stipulations of article 7 of the treaty between the United States and Spain, concluded on the 10th day of December, 1898.

"'The conferees recommended that the House recede from its amendment, which was in the nature of a substitute, striking out all after the enacting clause and inserting a new text; and they further recommended that the House agree to the Senate text with certain specified amendments.

"'Mr. OSCAR W. UNDERWOOD, of Alabama, made a point of order that the conferees had exceeded their authority and incorporated in their report matters not in difference between the two Houses. The House text had substituted reference to the Court of Claims instead of to the commission proposed by the Senate text. The conferees not only recommended the adoption of the Senate text, but had enlarged the provisions of it, making the number of commissioners five instead of three, although, he asserted, there was no issue between the two Houses on this point, and also materially changing the Senate text in those portions relating to the right of appeal.'

"After debate the Speaker [Mr. Henderson] held:

"'The current of authorities in regard to the action of the conferees is that they must be held strictly to the consideration of such matters as are in issue between the two Houses. That is the general governing principle, and a most valuable one, and a necessary one. In this case, however, the Chair sees no difficulty. As stated by the gentleman from Pennsylvania [Mr. Mahon], the Senate presents a proposition for a commission; the House turns that down, so to speak, and adopts an amendment, by way of substitute, providing that these Spanish claims shall be referred for determination to the Court of Claims. In other words, the Senate contends for a commission, the House for the Court of Claims. The method of treating these Spanish claims is thus put in issue. The House, when it sent over to the Senate its amendment by way of substitute, said: 'We will not entertain your method; we have a better one; we offer you a substitute whereby these matters shall be referred to the Court of Claims instead of a commission.' That puts in issue every question bearing upon this controversy between the two Houses. The able remarks of the gentleman from Alabama [Mr. UNDERWOOD] have not suggested a single question that is not brought in issue between the two Houses in the present position of this question. The conferees have not gone beyond the matters in issue. On this point the Chair will ask the Clerk to read from the Parliamentary Precedents of the House of Representatives, section 1420, a decision made by Speaker Colfax.'

"The section having been read, the Speaker concluded:

"'The House will readily see that the precedent just read bears strongly on this question, although in the present case the conferees have not gone so far as they did in that case. There is nothing here that is not germane to the main issue. In reference to no matter in controversy between the two Houses have the conferees attempted to trench upon or change a single expression that the two Houses have agreed upon. The Senate sends to this House a bill for which the House presents a substitute, and the report of the conferees seeks only to treat the matters in issue. The Chair feels clear that he is justified in overruling the point of order. The question is on agreeing to the report.'"

Mr. LA FOLLETTE. The precedents which I have requested the Secretary to read completely answer the criticism made by the Senator from Idaho. I do not care to take the time of the Senate to make any reply to anything the Senator from Idaho said.

The VICE PRESIDENT. The Chair does not understand that the Senator from Idaho raised the point of order, although he discussed it. So there is nothing to dispose of.

Mr. SMOOT. Mr. President, I have no desire to detain the Senate long, but I do feel it my duty to call its attention to some of the inconsistencies in the bill as reported by the majority of the conferees of the two Houses.

I also wish to call the attention of the Senate to the course taken by this legislation. I have been a Senator for over eight years, and I have never yet seen a piece of legislation acted upon and pushed through Congress in the way that this has been. It came to this body from the House with certain specified rates, supposed to be the rates that the House of Representatives thought proper as Democratic revenue rates. The Senator from Wisconsin [Mr. LA FOLLETTE] made a speech July 26 upon a substitute that he offered to the bill, and a compromise was reached between the Senator and the Democratic Party to pass his substitute bill with a revision of rates before ever the speech was printed in the RECORD or before any Senator had any chance to read it. I want to call attention now——

Mr. OVERMAN. The Senator does not mean there was an agreement before any bill was passed?

Mr. SMOOT. I said before the speech of the Senator from Wisconsin was printed in the RECORD.

Mr. OVERMAN. Oh!

Mr. SMOOT. I want to call the attention of Senators now to the House bill, to what is known as the "La Follette original substitute," and to what is known as the "La Follette substitute," agreed to by him and the Democratic Party, and passed by the Senate, and to the conference report as the conferees agreed last Saturday.

Again, I suppose a nickel was put in the compromise slot machine yesterday and brought forth another change in the conference report. These substitutes are all different, changed sometimes to the amount of 200 per cent. I noticed in his speech the Senator from Wisconsin made this statement:

I want to ask the attention of Senators upon this particular point: The amendment which I offer, starting with a 40 per cent duty on the raw product—the raw wool—as a base line, has been worked out with elaborate care, and with the assistance of the best experts, I believe, in this country.

That was the statement the Senator from Wisconsin made upon this floor when he offered his original bill, and he goes on and states:

For whatever I have done in constructive legislation, here or elsewhere, I have done not because I have made conquest of the whole

field of knowledge but because I have always been willing to call to my assistance the best expert knowledge of the country, and I think I have done that in the construction of the amendment which I have submitted to the Senate. I say to you that beginning with the 40 per cent base line on raw wools, as you follow the product of raw wool step by step clear through to the finished manufacture, every article takes the duty which it should be given in order to measure the cost of production in the various stages.

I want the Senate to take notice of these perfect rates that had been so carefully studied out and that had been prepared by the best expert knowledge in the country, and see what has become of them and what the Senator from Wisconsin has reported back to the Senate and for which he is asking the votes of Senators.

In the La Follette original substitute Class 1 wool carried a rate of 40 per cent and through some source of juggling of figures or by the mere whim of two men, one from each House, having the destiny in their hands of nearly a billion dollars of property with millions of people depending upon it, submit a conference report and instead of the 40 per cent rate that was based on the best expert knowledge possible to obtain they now say that 29 per cent is the proper rate.

Class 2 wools, certain of them, were 40 per cent. Now they are 29 per cent.

Class 3 wools were 10 per cent. Now they are 29 per cent.

Was the expert wrong? Is the 200 per cent increase right now or was it wrong before?

In his original bill he had the hair of the camel and the Angora goat and the alpaca and other like animals on the free list, and here we find it at 29 per cent.

Let us examine some of the rates upon manufactured goods and see what has resulted to that wonderfully scientific substitute after being studied as no brain ever studied a bill before and presented to the Senate. On this point I read from the Philadelphia North American:

> The La Follette bill is the most scientifically framed protective tariff measure ever presented to Congress.

And not two weeks have passed until its author has consented to changes in some instances amounting to 200 per cent increase. Oh, scientific, of course! I say the bill as reported has been juggled and rates changed by compromises and not because the House bill, the La Follette substitute, or the bill as reported from conference are based upon a scientific principle, but for other purposes.

Again from the same paper:

> It was prepared by a board of experts in strict accordance with the party promise of basing tariff legislation upon scientific data which would show with mathematical accuracy the difference between the labor cost of production in this and competing countries.

Here we have before us, as I said, a report offered by the author of that scientific substitute asking for your votes with changes amounting to 200 per cent in some cases.

Take combed wools or tops. The House provided for 25 per cent. The La Follette original bill provided for 45 per cent. The substitute bill provided for 40 per cent; the conference of last Saturday provided for 34 per cent; and the conference of yesterday provided for 30 per cent.

Take yarns: The House provided 30 per cent; the La Follette original bill provided 50 per cent; the La Follette substitute bill provided 45 per cent; the conference report last Saturday provided 39 per cent, and the conference report of yesterday morning provided 35 per cent. Conditions must have changed rapidly in this country if these are scientific rates as has been told us.

Mr. CUMMINS. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Iowa?

Mr. SMOOT. I yield to the Senator.

Mr. CUMMINS. Does the Senator from Utah look upon the tariff bill of 1909 as a scientific production?

Mr. SMOOT. Mr. President, I look upon it as being as much of a scientific production as the present bill and a great deal more so. In the framing of the tariff bill of 1909 at least all the Members of the majority party had something to say about it, but in this case only two, one Member of the Senate and one of the House decided upon the rate.

Mr. CUMMINS. I am speaking now of scientific accuracy. I desire to ask the Senator from Utah further whether he remembers what was done in the paragraph relating to structural iron and steel and the paragraph relating to oilcloths and linoleums in the conference committee; and I ask the Senator whether he regards the work of both the conference committee and the Senate, which was then being led by the Senator from Utah and his associates, as scientific.

Mr. SMOOT. Mr. President, I remember very well that certain structural steel—that is, assembled structural steel—was changed in conference. I was not one of the conferees. I remember also that the floor oilcloth and linoleum paragraph, 347, as I remember it, was changed as to the wording in the conference.

Mr. CUMMINS. I only wanted to ask the Senator this question, and was leading up to it. My question relates to a great many other paragraphs. If these duties were right when they left the Senate, were they also right when they were returned to the Senate from the conference committee?

Mr. SMOOT. Mr. President, as far as changes in conference were made there were very, very few in the Payne-Aldrich bill. I think the Senator covered the two principal ones in the question asked by him.

Mr. CUMMINS. I can remind the Senator from Utah of another very serious one, and that is the paragraph which covers the duty on window glass.

Mr. SMOOT. I do not think that was changed. The paragraph on window glass was voted upon in the Senate, and the changes were made upon a motion offered by the Senator from North Dakota [Mr. MCCUMBER] on the floor of the Senate.

Mr. CURTIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Kansas?

Mr. SMOOT. Certainly.

Mr. CURTIS. I understood the Senator to say that the Senate conference report had been made on Saturday, and he stated the rates fixed in that conference report, and that since that report was made it had been changed. Is that true?

Mr. SMOOT. I have here House bill 11019, a conference report, printed. That was printed upon Saturday. The changes I have spoken of were made after the report was printed, after it had been given out to the public.

Mr. CURTIS. The question I asked was whether the changes had been made after the report had been presented to the House or Senate. If so, it was done without any authority of the conferees to act upon it.

Mr. SMOOT. I do not believe it had been reported to the House. I think the changes were agreed upon before it was reported to the House, but this was the agreement which was published on Saturday, and on Monday I was handed the further changes that had been made and these changes are as the report of to-day shows.

I must hasten on, Mr. President, but I could go through every item in the bill and show the inconsistencies to as great a degree as I have already pointed out.

Mr. President, I want to call attention to the fact that this bill is far worse for the American manufacturer of woolens than the Wilson bill was. The Wilson bill brought destruction almost to the wool industry of this country. I have a list of the woolen mills that failed in one year, in 1896. There are 61 of them. I have no time to read it, but I want to say to Senators that the woolen manufacturers of this country passed through an experience which tried men's souls. If I had the time I would like to go into this question carefully and call attention to what the results of each failure were.

We find that the bill you are asked to vote upon gives less protection to the manufacturer in this country than the Wilson bill did. This bill, if it becomes a law, would destroy the manufacturer. There can be no purchaser for the farmers' product of wool, if the manufacturer is destroyed. He would have to send his wool to a foreign country and sell to a foreign buyer.

Let me call attention to just a few of these items. Take yarns. The average ad valorem duty in the Wilson bill was 39 per cent with free wool. The duty as provided in this bill which you are asked to vote for is 35 per cent with 29 per cent on wool. The Senator from Wisconsin [Mr. LA FOLLETTE] in his statement said that it took 80 per cent of wool. I say it is only 70 per cent. Take 70 per cent of 29 per cent and you have 20.3 per cent, leaving a net protection to the manufacturer of 14.7 per cent against 39 per cent in the Wilson bill. How can the yarn manufacturer with such a rate exist?

Take wool and worsted goods. The average ad valorem duty in the Wilson bill was 48 per cent with free wool. Under the bill that is before us it is 49 per cent with 29 per cent on wool. Fifty per cent of the cost of woolens and worsted consists of wool. The Senator from Wisconsin says it is 65 per cent. I say it is 50 per cent only. Fifty per cent of 29 per cent on wool is 14½ per cent, leaving only 34.5 per cent instead of 48 per cent in the Wilson bill.

Take flannels and you find almost the same result. Take blankets. The average duty in the Wilson bill was 29 per cent, with free wool. Under this bill it is 38 per cent, with 29 per cent on wool. One-half of the cost of blankets is the wool contained in them. One-half of 29 per cent is 14½ per cent.

Take 14½ per cent from 38 per cent, the duty provided, and you have 23½ per cent as against 29 per cent in the Wilson bill.

Under the La Follette substitute on second-class wool the rate was 10 per cent. It is advanced to 29 per cent. A scientific change, of course!

Carpets. With free wool under the Wilson bill the duty was 40 per cent. Now, with a duty on wool of 29 per cent we find the rates 30, 40, and 50 per cent. I might proceed, showing these unexplained changes all through the conference report.

The Senator from Wisconsin [Mr. LA FOLLETTE] said in his speech:

> An estimate made by Samuel S. Dale, editor of the Textile World Record, based upon actual prices at which wool is sold in the London auction, which fixes the world prices of wool, shows that the duty on raw wool is as high as 550 per cent.

I ask the Senator from Wisconsin where on earth can he buy raw wool at 2 cents a pound? The rate on raw wool is 11 cents per pound and in order to carry a rate of duty of 550 per cent the cost could not exceed 2 cents per pound. Is it true? I do not care whether Mr. Dale or any other living man makes such a statement, it is not true. There may be a few pounds of shoddy imported into this country, run through a garnett or picking machine, carrying a duty so high, imported no doubt to see how low a stock can be handled in a foreign country. It is not raw wool, but diseased rags run through a picker, and the Senator refers to it as raw wool.

The Senator from Wisconsin also says that it takes only 1½ pounds of wool in the grease to make a pound of yarn. He makes his argument upon that basis and says that the manufacturers of the country are protected on the basis of 2½ pounds of wool in the grease and 35 per cent ad valorem and therefore make the difference. I ask the Senator if there is a clip of wool in the United States that 1½ pounds of wool in the grease will make a pound of wool yarn. If he had been a manufacturer he would never have made that statement. I might just as well say to the farmers of this country that 2 cents per pound, which he has named as the price for raw wool, would be the price that they would receive protection on at 29 per cent, which would be only .58 of 1 cent per pound protection under the proposed measure.

I desire to say to Senators that you are about to vote upon a bill that is vital to a great industry in this country. The rates reported in this bill have been the result of a compromise between two men, agreed upon, juggled in such way that they do not give the protection that the Wilson bill afforded the woolen manufacturers of this country.

There is another very harmful provision, and one that certainly no man who knows anything about the manufacturing of cotton goods or woolen goods would ever think of perpetrating, and that is this: If a yarn is No. 4 it is protected under this bill with the same ad valorem rate as a yarn drawn to No. 60. No man will deny, who knows anything about the making of yarn, that there is not one-quarter of the labor necessary for the making of No. 4 yarn that there is in spinning a No. 60. What is a No. 4 yarn? It is one pound of wool drawn four times 360 yards. What is a No. 60? It is one pound of wool drawn 360 yards 60 times. This bill provides the same ad valorem rate for the fine yarns as the coarser. The House of Representatives in passing the cotton bill recognized the fact that there is more labor in making a fine thread than a coarse one, and made one dividing line, but here we have a bill with none at all.

Mr. President, I had a number of other questions to discuss, but time is fast passing. I want to call the attention of the Senate to a happy prediction that was made by William M. Springer when a Democratic tariff bill was under discussion in the House. The prophecy reads as follows:

Mr. SMITH of Michigan. The Wilson bill or the Mills bill?

Mr. SMOOT. No, the Springer bill; and this is what Mr. Springer said:

> Pass this bill and thousands of feet heretofore bare, and thousands of limbs heretofore naked or covered with rags, will be clothed in suitable garments; and the condition of all the people will be improved. It will give employment to 50,000 more operatives in woolen mills; it will increase the demand for wool, and prices will increase; and with increased demand for labor wages will increase. Those who favor its passage may be assured that they have done something to promote the general weal, something
>
> "To scatter plenty o'er a smiling land."

Mr. President, the result that followed the passage of the first Democratic tariff bill was absolutely the contrary. Instead of bare feet being clad and instead of the American people being clothed with garments of wool, I say to you that the children of this country were not thinking of what they had on their feet or the patched clothes upon their backs; they were thinking about getting enough to eat, and their parents were trying to keep the wolf from the door. Instead of 50,000 more employees being employed in woolen mills of this country, but few of the woolen mills were able to keep the wheels running, and men were seeking employment in other lines and in other avocations. Instead of "scattering plenty over the smiling land," this land, smiling as it had been in the past, became almost a land of desolation, and men marched from ocean to ocean pleading for work and for something to do that they might have food to eat.

Mr. President, they present a compromise bill that is worse than the bill which brought that condition upon the country and ask a favorable vote of the Senate. I hope and trust that it never will become a law. I believe if it does there will be a repetition of the conditions that the woolgrower and manufacturer passed through during those wretched years of the Wilson bill.

Mr. President, the American people are not going to approve of the enactment of laws vitally affecting the great industries of the country brought about by compromise, by party alliances, or for political purposes. The country to-day, before a revision of the tariff is made, wants a report from the Tariff Board. The business interests demanded a tariff board to gather the necessary information and Congress appropriated money for that purpose. The report upon this schedule will be ready by December 4—less than four months' time.

I feel, Mr. President, that the proper thing for the Senate to do is to reject this conference report. That would be to the best interests of the American people. Let us at least hesitate before we rush madly into a legislative program mapped out not after due hearings and consideration by men who are acquainted with the workings of this schedule, but for the purpose of saying to the people, we have revised Schedule K. Let us judge what the result may be.

Mr. LA FOLLETTE. Mr. President, before passing to a discussion of the conference report I am warranted in first taking some notice of the address of the Senator from Utah [Mr. SMOOT], to which the Senate has just listened. This I may properly do, because of the statements, tone, and coloring of the speech.

It is fitting, sir, that the defense of the infamous woolen schedule, when it is at last brought to the bar of this Senate, should be made by a Senator who is himself a beneficiary of the protective duties of that schedule.

Mr. SMOOT. Mr. President——

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Utah?

Mr. LA FOLLETTE. Certainly.

Mr. SMOOT. I have not uttered one word of defense of the Payne-Aldrich bill; I never referred to it.

Mr. LA FOLLETTE. I do not yield for that, Mr. President.

Mr. SMOOT. So far as being the beneficiary——

Mr. LA FOLLETTE. The Senate well remembers the Senator's speech. If he has something to say in response to what I have just said, I will yield for that, but I will not permit him to take my time to repeat his speech.

The VICE PRESIDENT. The Senator from Wisconsin declines to yield.

Mr. SMOOT. I was going to say, in relation to being a beneficiary——

The VICE PRESIDENT. The Senator from Wisconsin declines to yield.

Mr. LA FOLLETTE. I yield for a statement on that subject.

The VICE PRESIDENT. The Senator yields.

Mr. SMOOT. Mr. President, so that there will be no misunderstanding about my being a beneficiary under the present law, I wish to say to the Senator from Wisconsin that I own $2,475 worth of stock in a woolen mill in this country, and I will assure the Senator that the mill has never paid more than 3 or 4 per cent a year. That is all that I own in any woolen mill.

Mr. LA FOLLETTE. Well, Mr. President, if the Senator admits owning a dollar's worth of stock in a woolen mill, he confesses his shame, for he has just engaged in a defense of tariff duties which are a benefit to the industry in which he owns an interest. I accept the Senator's statement as to the extent of his individual holdings in woolen-mill stocks, but the Senator from Utah stands in rather a unique position in this Senate. Will he say a certain institution, intrenched as a stronghold in Utah, is not interested in woolen mills, and that it does not own stock in the woolen industries of this country?

Mr. SMOOT. Mr. President——

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Utah?

Mr. LA FOLLETTE. I yield.

Mr. SMOOT. I will gladly say that the woolen mills, and the only mills of Provo, were bought by Mr. Jesse Knight at a sale. The church—that is what I suppose the Senator means——

Mr LA FOLLETTE. That is exactly what I mean.

Mr. SMOOT. Had stock in the original mill, but it was sold out. I can not say that they own a dollar to-day in the Knight mill. It is not the Provo mill any longer, but it is owned and controlled by Mr. Jesse Knight.

Another thing I will say is, that I am not the owner of a single head of sheep, nor is the church the owner of a single head of sheep.

Mr. LA FOLLETTE. I take the Senator's answers so far as his holdings are concerned, and I take the Senator's answers so far as the particular woolen mill is concerned.

Mr. SMOOT. Mr. President, I will say——

Mr. LA FOLLETTE. But I say, Mr. President, notwithstanding——

Mr. SMOOT. They do not own a dollar in any woolen mill.

Mr. LA FOLLETTE. I will say that the Senator from Utah has already stated that he is the owner of stock in a woolen mill.

Mr. SMOOT. That is right.

Mr. LA FOLLETTE. If he is, he never has had any right to vote on a tariff schedule that affected the product of that woolen mill. It is an outrage against common decency that any Member of the United States Senate should vote to represent his own interests, personal or pecuniary. We are here in a trust capacity, as sacred a trust as ever was committed to men. We are in no position, with a dollar of interest of our own in any question pending here, to pass upon that question.

Mr. SMOOT. Mr. President——

Mr. LA FOLLETTE. Mr. President, it would instantly disqualify any trustee in any court of equity in the country, and it ought to; but the official conscience, the congressional conscience, has become so dulled that Senators, the holders of stock in United States banks, have sat here and voted to defeat legislation requiring such banks to pay interest on Government deposits; Senators who are the holders of stock in mines, in smelters, in lumber, in rubber, and in all the great manufacturing concerns of every character, will sit here day after day, session after session, and vote against reducing duties, vote to increase duties, vote to increase their own profits—in plain words, sir, vote against public interest and betray their public trust. This blot upon the integrity of the record runs through the whole calendar of legislation.

It is time, Mr. President, that public protest should be made, and I make it here and now. It is time to make an end of this reprehensible practice. It is time that this Senate should adopt a rule that any Senator who has a direct personal or pecuniary interest, or has an interest through members of his family or others which ought in honor to disqualify him as trustee of any trust, expressed or implied, shall be disqualified and prohibited from voting upon any question affecting such interest.

Mr. SMOOT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Utah?

Mr. LA FOLLETTE. I do.

Mr. SMOOT. I should like to ask the Senator from Wisconsin if certain publishers did not vote on the Canadian reciprocity bill?

Mr. LA FOLLETTE. They did.

Mr. SMOOT. Yes.

Mr. LA FOLLETTE. I suppose the Senator raises that question because I am the publisher of a magazine. The Senator must know that the paper used in the publication of my magazine—or he should have inquired before he asked the question—was not in any way affected by that vote.

Mr. SMOOT. I want to say to the Senator that it was affected.

Mr. LA FOLLETTE. It was not affected.

Mr. SMOOT. It affected all papers under 4 cents a pound.

Mr. LA FOLLETTE. But I have been obliged to pay more than 4 cents a pound.

Mr. SMOOT. Then, Mr. President, if the Senator pays more than 4 cents a pound, he is paying more than he ought to, and more than all the other publishers pay.

Mr. LA FOLLETTE. I have long felt that I was paying more than I ought, Mr. President. [Laughter.] Beginning with the first number of that magazine, I paid for the paper used in its publication more than 4 cents a pound. And after the passage of the Payne-Aldrich bill, that you as a member of the Finance Committee helped to frame, the rate I was required to pay for that quality of paper was very soon advanced to a still higher price.

Now, Mr. President, coming to the subject of "driving this revision of the woolen schedule through the United States Senate," the Senator from Utah says he never saw a like example. Let me remind him that there came over to this Senate from the House of Representatives two years ago a great bill revising all the schedules of the tariff. It was a bill of two or three hundred pages; it was a bill beginning with Schedule A, the chemical schedule, a schedule to understand the first line of which requires a glossary—a schedule which would have been as readily comprehended for practical legislative purposes if it had been printed in a foreign language. The same was true, though not in like degree, of all the other schedules of the bill. What happened? The control of the Senate was then with the high-protective-tariff Republicans. The Senator from Utah was a member of the Committee on Finance having control of that bill. The bill was referred to that committee.

The then Senator from Rhode Island (Mr. Aldrich) was chairman, and I am tempted to ask Senators to let me remind them just how that committee was organized. A caucus was held out here in the marble room at the beginning of that session. The caucus was called to order. A motion was promptly made that Senator Hale be chosen as chairman, and the motion was put and declared carried. Hale assumed the chair. Aldrich at once moved that the chairman, Hale, appoint a Committee on Committees—that is, a committee to name the legislative committees of the Senate. The motion was put and declared carried, and the caucus adjourned in less than three minutes after it convened. That settled what would be done with the Payne bill when it reached the Senate, and the job was completed in less than three minutes.

Aldrich had made the motion authorizing Hale as chairman to appoint this all-important committee. After the adjournment of the caucus whom did Hale appoint as chairman of the Committee on Committees? Why, Aldrich, of course; that was all understood in advance. Then Hale proceeded to name as the other members of this great Committee on Committees the Senators whom Aldrich told him to name, and that too was all understood in advance. Whom did Aldrich direct Hale to appoint as the second member of that committee? Why, Hale, of course; and that also was understood in advance. And then the other members of the committee were named.

That has been the system plan for controlling legislative committees for many years. It will not be maintained here much longer, Mr. President.

That is the kind of Committee on Committees that selected the Committee on Finance, of which the Senator from Utah [Mr. SMOOT] became a humble member.

The Payne tariff bill passed the House, was transmitted to the Senate, and in two days recalled by the House, finally returned to the Senate on April 19. It was referred to the Committee on Finance and reported back to the Senate on the same day. Altogether it was in the possession of the Senate committee not to exceed 48 hours.

Forty-eight hours behind locked doors and they made over 600 increases in duties over those contained in the bill as it passed the House of Representatives. Talk about "railroading legislation through the Senate!"

Mr. SMOOT rose.

Mr. LA FOLLETTE. Wait. The Senator can reply to me after I have concluded. I am not willing to have the course of my argument broken into.

Then what happened? Mr. President, I am going to be reasonably regardful of the courtesies of debate. But I sat here this afternoon through two or three hours of speech making markedly personal in character. I offered no interruption, preferring to allow Senators to finish, and make such answer as seemed proper. I believe this to be a much more orderly procedure than that usually followed of interrupting a Senator at every other sentence. That was the opinion of the late Senator Frye, whose seat I now occupy, but whose great place in the Senate I can never hope to fill, however extended my span of life.

I think Senators know that I do not insist upon this course because I shrink from meeting the fire of interrogatory. There is nothing, Mr. President, that so stimulates one on his feet as the sting and challenge of interruption, but it invariably leads to digression and destroys the logical course of argument. For these reasons I prefer to proceed with the history of the Payne-

Aldrich bill without interruption and without having the order of my argument shot with questions and interruptions that are, to say the least, not always relevant but always certain to induce repetition and digression neither interesting nor enlightening.

With a scant 48 hours of consideration by the Finance Committee the Payne-Aldrich bill was reported to the Senate. Talk about "railroading legislation through!" There was a bill of more than three hundred pages. It covered the whole subject of the tariff. It was laid on the desk of the Secretary of the Senate, and what then? The crack of the whip, the orders of the boss of the Senate; the demand that the Secretary begin to read and that the Senate should vote upon the papagraphs of the bill as read. There was no report; there was a brief statement by Mr. Aldrich, not relevant to the subject, excepting in so far as it dealt with and affected the revenues. For the first time in the history of all tariff legislation a bill for the general revision of the tariff was presented to the Senate without a written report, without any explanation of the changes which had been made in that bill from the time it came from the House of Representatives until it was laid before this body and pressed for a vote by paragraphs.

Mr. President, economic conditions have so changed in this country that the rates of duty fixed in that bill were so utterly indefensible that they could not stand analysis and publicity. So the only way to put the bill through the Senate of the United States was to drive it through under the boss system that prevailed. The rates of duty fixed in the Committee on Finance and by the committee of conference were determined behind closed doors.

Contrast that record with the history of the bill now before the Senate. The rates agreed upon by the conference committee in this bill were discussed and determined, Mr. President, I rejoice to say, for the first time in history with the doors wide open and the press reporters present.

No committee can write duties such as we find in the Payne-Aldrich bill; no committee can so frame a provision on tops that it will carry within its technical and obscure terms duties running from 70 to 250 per cent, with the doors of the committee room wide open, the discussion public, and the correspondents of the great newspapers in attendance.

The duty on tops was written into the bill that is now the law with a paid employee of the Woolen Trust in a confidential relation with Aldrich when he framed that paragraph. The whole country knows the offensive scandal that grew out of that affair.

The Senator from Texas [Mr. BAILEY] rendered the country an important service when he made the motion in the conference on this bill that the doors should be opened and the public, through the representatives of the press, admitted, to the end that they might report to the public the reasons assigned by the conferees for the rates which they agreed should be reported to the two Houses. I trust, sir, that it will become a precedent for all committee action upon the public business in the future.

Mr. President, it was not long after the Senate began the consideration of the Payne-Aldrich bill before an order was entered here—and all it needed was the word of one man to put that order through the Senate—that the Senate must assemble at 10 o'clock in the morning and remain in continuous session until 11 o'clock at night.

I repeat a statement I have already made, that never before in the history of all tariff legislation had a tariff bill ever been presented to the Senate of the United States for their consideration by a Finance Committee which was not accompanied by a written report explaining every change proposed in the existing law; and never before in the history of tariff legislation, Mr. President, had the Senate been called upon to act upon a tariff bill, with its accompanying report, without being given weeks, and, in one or two cases, I think, as much as three months, to consider the report and the bill before the Senate was required to act upon it by the chairman of the Finance Committee in charge; but in the extra tariff session of 1909 the Committee on Finance, of which the Senator from Utah was a member, seized upon the Payne bill as soon as it reached the Senate Chamber, carried it off to the Committee on Finance, and behind locked doors, with everybody excluded excepting the Republican members, appointed, as I have described, and those who wanted the duties increased, who were admitted one by one, made 600 increases in the bill, reported it back, and the Senate was then forced immediately to consider it, without notice and without explanation.

There was a band of men here who were determined to analyze the complicated thing and find out whether it was fair and just to the 90,000,000 consumers of this country. They did the best they could. Day after day, worn by the labors of the session, each man, with the best help that he could employ to assist him, labored far into the night in preparation for the next day's session to resist the wrongs that were being imposed upon the American people. I speak for myself when I say that, going to my home after these 11 o'clock night sessions, I worked until the early morning hours for nearly three months on the paragraphs of the bill that were to be considered the next day. I worked until sometimes, despite all I could do, I fell asleep in my seat here on the floor. I believe as firmly as I believe I am now addressing the Senate that that brilliant, able, that wonderful man—Jonathan P. Dolliver—so loved by all of us, who sleeps now in the heart of Iowa, lost his life because of the cruel system that drove that bill through this Senate and forced men to work to the very limit of everything there was in them to understand and discharge their duties to the American people. And the Senator from Utah now complains about rushing this bill through the Senate of the United States.

Mr. President, I did contend when I offered this bill, and I maintain now, that the duties on manufactures throughout were accurately figured with relation to the different processes as the raw wool passes through the various stages of manufacture to the finished product; and when the duties were scaled to meet the objections raised to the bill as first presented—objections on the other side—they were scaled relatively.

Mr. President, I am not going to spend much more time on this subject. I will just contrast briefly the existing rates of this schedule, which the Senator from Utah [Mr. SMOOT] and those who agree with him will vote to sustain, with the duties fixed in the conference report.

On clothing wool the present rate is 44½ per cent; the conference rate is 29. But as framed the conference report eliminates the skirting clause and all other devious provisions of the existing paragraphs on raw wool through which the woolgrower is robbed of nearly one-half of the protection which the existing law professes to give him. The conference gives the farmer a straight ad valorem duty of 29 per cent protection, which is pretty nearly the equivalent of the total duty he actually has to-day.

The average duty on wool of the third class—the so-called carpet wool—is 37.24 per cent. The conference rate is 29 per cent. The Senate bill provided a duty of 10 per cent; the House bill 20 per cent. Now, Mr. President, the 29 per cent rate in the conference report was a straight concession made by the Senate conferees to the House conferees to get an agreement. It was not possible to secure any legislation giving to the people of this country a little relief against this schedule that smells to heaven without some adjustment of the differences between the Senate and the House. I supposed that the conference committee was appointed for the express purpose of adjusting, if possible, the differences between the two Houses.

The House contended for a single classification on all wool. The Senate bill provides a 10 per cent duty for revenue purposes on carpet wools because they are not produced in this country, and, upon the protective theory, should be made free or assessed a low duty for revenue.

The carpet manufacturers purchased more than $10,600,000 worth of their raw material abroad last year. The total value of the domestic production amounted to only a little over $50,000. It will be seen that there is no carpet-wool industry to protect. Therefore the Senate bill provided simply a revenue duty of 10 per cent.

But, Mr. President, there has been complaint on the part of the woolgrowers of this country that it was possible to use some of the imported carpet wools in the manufacture of woolen cloth. The carpet manufacturers contend that not more than 3 to 3½ per cent of the carpet wools are used in manufacturing clothing. The woolgrowers contend that from 20 to 25 per cent is used. Be that as it may, if we were to have an agreement upon this schedule at all and offer to the people of this country, so far as Congress is concerned, any relief from the enormous burdens that they are bearing under this abomination of all tariff legislation, it was necessary that concessions should be made upon both sides, and we agreed to make a single classification and fix the duty at 29 per cent.

The paragraph of the existing law on combed wool or tops and on wool or hair advanced in any manner beyond the washed or scoured condition is little less than a monstrosity. The percentages tell the shameful story: 111 per cent, 252 per cent, 112 per cent, and 73 per cent.

The Senate bill provided a 35 per cent duty on raw wool and a duty of 40 per cent on tops; the House bill a duty of 20 per

cent on wool and 25 per cent on tops. The conferees agreed upon a 32 per cent duty on tops. With the duty on raw wool at 29 per cent, the conference rate of 32 per cent on tops is a protective rate, as I shall presently show.

In the process of manufacture the next stage after tops is yarn. The present extravagant duty on yarn is 134 per cent if valued at not more than 30 cents per pound, and 76 per cent if valued at more than 30 cents per pound. The Senate bill provided a duty of 45 per cent on all yarns; the House bill a duty of 30 per cent. The conferees agreed on a duty of 35 per cent. With the duty on raw wool fixed at 29 per cent and on tops at 32 per cent in the conference agreement, a duty of 35 per cent on yarn measures the difference in the cost of manufacture, as I shall demonstrate a little later.

After yarn, the next step in manufacture is cloth.

The present high duties on cloth, knit fabrics, plushes, and other pile fabrics, dress goods, wearing apparel, trimming, etc., are from 60 per cent to 159 per cent. The bill passed by the Senate fixed a straight ad valorem of all of 55 per cent; the House bill 40 per cent. The conferees agreed on 49 per cent.

Blankets and flannels for underwear under existing law bear excessive duties ranging from 71 per cent to 182 per cent. The Senate bill reduced these rates to 55 per cent; the House bill fixed the rates from 30 to 45 per cent. The conference report places the single rate of 38 per cent upon all.

Carpets, under the present law are taxed from 50 to 80 per cent. The Senate bill, as we passed it, provided for a duty of 35 per cent; the House bill from 30 to 45 per cent. The conference agreed upon rates from 30 per cent for the cheaper to 50 per cent for the most expensive carpets.

That, Mr. President, explains in detail the report of the conferees on Schedule K.

In presenting my bill for a revision of the woolen schedule to the Senate at that time, I said I believed that the duties proposed were greater than necessary, but, bearing in mind that revision at the present time would be somewhat temporary in its character, to be followed by a more thoroughgoing revision, and with the purpose of meeting the views of a majority of the Senate to the end that some reduction might be promptly secured, I offered the bill.

Returning again to the criticism of the Senator from Utah [Mr. SMOOT] as to the character of the bill that I offered, I stated repeatedly in the course of that debate that what I claimed for the bill was that it was scientifically drawn, so far as the relation of duties on the manufactured products was concerned; but I stated again and again that the duties which I had fixed in that bill as I offered it here were so rated that it left beyond any question of doubt a protective margin, amply sufficient to warrant any Senator, however devoted to high duties, in supporting it.

I venture a prediction now, and I know how dangerous prophecy is. We shall have in a few months a report from the Tariff Board. I say that if the Tariff Board does its work with thoroughness it will report lower duties on all the manufactures of wool than the duties named in the conference report. Mark my words: If the Tariff Board does its work thoroughly, Senators are invited to challenge this statement at another session only a few months away if that does not prove to be the case. I have gone into this subject far enough to feel safe in making that prediction.

Now, I will take the time of the Senate to show that the duties on tops, yarn, and cloth agreed upon by the conferees are sufficiently high to measure the difference in cost of production between this and the principal competing country. Of course, it is not claimed that all of the varying details on each phase of this great and complex subject have already been ascertained. If this were so, we would not require the thorough investigation of a permanent Tariff Commission, composed of trained men, as all progressive Republicans contend we do. But, sir, enough is known at present to give assurance that the reductions proposed in the conference report can safely be made at this session. I have depended to a considerable extent, among other experts, upon the investigations made by Mr. W. A. Clark, who is at present abroad, as the agent of the Tariff Board, investigating the actual cost of production in textiles.

He made, something over two years ago—and I have called the attention of the Senate to it on other occasions—a very interesting and valuable report upon certain standard samples, comparing the cost of producing woolen cloth in this country and Great Britain.

I have also had the benefit of matter published from time to time in the Textile World Record, which is the trade paper of these great industries, by the editor of that paper, Mr. Dale, who has had practical experience in woolen manufacturing as a mill man. A man of superior intelligence and education, he finally passed from the factory to the editorship of this great journal, the Textile World Record. I have studied the reports of his investigations and experiments, and read much that he has written. Some time since he made an actual manufacturing experiment to ascertain the cost of producing tops, yarns, and cloth under the conditions which would fairly approximate the cost of foreign production. Starting with raw wool on a free basis and following each process—wool to tops, tops to yarn, yarn to cloth, the finished product—he ascertained the charge attending upon the different operations.

Taking the figures which I find in Mr. Dale's account of his experiments and combining therewith the important data available from Mr. Clark's report, it becomes apparent that the duties fixed upon tops, yarn, and cloth in the conference will afford an adequate measure of protection to the American manufacturer.

Mr. Dale ascertained the quantity of wool required to make a pound of tops, foreign cost, to be 35½ cents, or expressed decimally, 35.5 cents. The foreign cost of manufacturing 1 pound of tops was found to be 5 cents. The total foreign cost of 1 pound of tops would therefore be 35.5 cents, the cost of the wool, plus 5 cents, the foreign cost of manufacturing the pound of tops, or 40.5 cents for the finished pound of tops on the other side of the Atlantic.

If imported into this country, when this pound of finished tops reached the customhouse at New York it would be subject to a duty of 29 per cent, as fixed by the conferees. The importer would therefore have to pay 29 per cent of 40.5 cents, the value of the tops, or a duty of 12.96 cents. Hence the pound of foreign tops would cost the importer 40.5 cents plus the duty, or 53.46 cents. To this he must add the cost of packing, cartage, ocean freight, and insurance.

Now, let us see what it would cost the American manufacturer to import his wool, pay American wages, and manufacture tops in competition.

The figures of both Dale and Clark place the American manufacturing cost at 50 per cent in excess of the foreign manufacturing cost.

The foreign manufacturing cost of 1 pound of tops is 5 cents. Hence the American cost would be 5 cents plus 50 per cent of 5 cents, which equals 2.5 cents, or 7.5 cents as the American cost of manufacturing 1 pound of tops.

Taking, then, the wool necessary to make a pound of tops at the foreign cost of 35.5 cents, add to it the duty of 29 per cent fixed by the conference report, or 10.29 cents, and the wool would cost the American manufacturer duty paid 45.79 cents. Add now the American manufacturer's cost necessary to convert that wool into a pound of tops and his pound of finished tops will cost him 53.29 cents.

The American manufacturer of tops would therefore be able to undersell the importer by the difference between 53.46, the importer's cost, and 53.29, the American manufacturing cost, and would have added to that rail and ocean transportation and insurance as a further protection.

Of course, to the American manufacturers of tops who have enjoyed duties from three to five hundred per cent higher than justly protective, it would be regarded as a great hardship to be compelled to accept a rate equal to the difference in the cost of domestic and foreign production. But, Mr. President, we are approaching the time when the American people will no longer submit to the extortion which this schedule exacts in every paragraph.

Passing now to the yarn, let us determine whether the rate agreed upon in conference is sufficient to protect the American manufacturer.

The foreign cost of the quantity of wool required to make 1 pound of yarn is 38.3 cents. The foreign cost of manufacturing that wool into a pound of yarn is 8 cents. Hence it costs the foreign manufacturer to buy his raw material and manufacture it into 1 pound of yarn the sum of 46.3 cents.

If this pound of yarn is imported into this country it would have to pay, under the rate fixed in the conference report, a duty of 35 per cent, or 16.2 cents. The total cost of the pound of yarn to the importer in New York would therefore be 46.3 cents plus the duty of 16.2 cents, or 62.5 cents.

Now, what would it cost the American manufacturer to import his wool and manufacture yarn in competition? The foreign manufacturing cost of 8 cents would be increased to 12 cents. The compensatory tariff on the wool necessary to make a pound of yarn would be 29 per cent of the foreign cost of the

wool, or 29 per cent of 38.3 cents, which is 11.1 cents. Adding, therefore, the manufacturing cost of 12 cents and the compensatory tariff of 11.1 cents to the foreign cost of the wool, 38.3 cents, we find the American manufacturers' cost of importing the wool and converting it into yarn is 61.4 cents, as against 62.5 cents, importer's cost. Here, again, without counting the cost of transportation, the American manufacturer would have a margin of 1.1 cents against the importer.

A similar computation shows that the conference rate of 49 per cent on cloth leaves a margin abundantly safe for the varying qualities of goods included under that name.

For a pound of cloth serge, piece dyed, the cost of wool abroad is 45.9 cents, and the manufacturing cost is 24.4 cents, making the foreign cost 70.3 cents. The conference rate of 49 per cent on this figure amounts to 34.4 cents, making the importers' cost $1.04 cents per pound.

Now the American manufacturers' cost, at an increase of 50 per cent, would be 36.6 cents as against the foreign costs. To compensate him for the duty on wool he requires 29 per cent of the foreign cost of the wool, or 29 per cent of 45.9 cents, amounting to 13.3 cents. His total cost on this kind of cloth is therefore approximately 95.8 cents per pound against the importers' cost of $1.04 per pound.

The margin on other classes of goods taking the 49 per cent rate might be more or less than this amount of 8.5 cents per pound, but the margin is enough to allow for the widest differences in kinds and qualities of those goods.

Now, Mr. President, the Senator from Utah [Mr. SMOOT] made a most pathetic appeal to the Senate not to pass the proposed reductions in the duties of Schedule K, lest we bring on again business depression and disaster such as visited us in 1893. And he charged the dire effects of that period against the Wilson tariff law. I never have believed the Wilson tariff law was the cause of the financial troubles of that time. Those troubles began before the enactment of the Wilson tariff law. It was a period of general business depression. It began abroad in 1890 and swept over the whole world. It culminated in the panic of 1893. It is purile to attribute it to the Wilson tariff law of 1894. I know the claims that have been made by many Republican newspapers and campaign orators, and I know how labor has been appealed to, and, as election approaches, how it has been driven to the support of the standpat policies and candidates out of the fears that have been played upon in the heat and fever of the campaign, threatening a repetition of those heart-breaking times if the sacred tariff rates of the Dingley and Payne-Aldrich laws were even threatened with revision.

I hope, Mr. President, that the voters of this country are becoming enlightened enough to know that those appeals are without any substantial economic basis. There were other amply sufficient reasons to account for all of the depression and financial distress that swept over this country at that period of time. I do not know whether we have recovered more rapidly following the panic of 1907 than we did the panic of 1893, because the financial troubles of 1893 were world-wide. The panic of 1907 was confined to this country, and it came upon us without any justification, financially or economically. There were no industrial disturbances. It had no relation to tariff legislation any more than the panic of 1893 was related to the Wilson tariff law which was enacted in 1894.

Mr. President, I have differences with gentlemen upon the other side. Those differences rest upon certain principles. I am willing to fight those differences to a finish with the Democratic Party, but when the Republican Party can not win upon any issue without juggling and petifogging the case, I refuse to make that kind of a campaign.

I shall not be surprised, Mr. President, if the people of this country, whenever we revise the tariff or whenever we endeavor to pass tariff legislation, shall be treated, if not to a real panic, to something that looks like a real panic. The industrial and economic changes that have been imposed upon the people of this country in recent years have placed the control of business in the hands of a very few men. It is not difficult for those men to give this country a panic and to push them over into it at any time. So I anticipate, Mr. President, that whenever we attempt tariff revision or seek to enact legislation interfering with the trust control of business a panic will be foreshadowed, that prices will be depressed for the products of the farmer, that labor will be thrown out of employment, and that all of the threats which will serve to frighten the farmer and the wage earner will be heard on the hustings and seen on the printed page. But I shall do what I can to persuade the business men of small means and the wage earners of this country to discredit those warnings as having any logical relation to wholesome legislation.

The predictions of panic resulting from tariff reductions may come true. They can be brought to pass. They need not come true. These great industries are overprotected. Their duties could be reduced in most cases much below the point fixed in this conference report and not disturb in the slightest degree a single industry in the country. Of that I am confident. These duties will be reduced, Mr. President, if not at this session of the Congress then in the very near future; and defeat at this time, whether it be here or whether it be interposed by Executive veto, as threatened, will not long delay the lifting of these great burdens from the backs of the American people.

I send to the Clerk's desk and ask to have read a clipping from the New York Evening Post on the conditions existing at the present time under duties ranging, as I have stated, from 30 per cent up to 300 per cent. It is not dated, but was published only a few weeks ago.

The VICE PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

VAGRANCY IS INCREASING—THIS YEAR, IT IS FEARED, WILL BREAK THE RECORD—MUNICIPAL LODGING-HOUSE FIGURES AN ACCURATE MEASURE OF THE SERIOUSNESS OF THE PROBLEM—NOT A TEMPORARY CONDITION—REMEDY BELIEVED TO LIE IN A STATE FARM.

Vagrancy is rapidly increasing in this State and is becoming a problem of alarming proportions, according to statements made by Charles K. Blatchly, superintendent of the joint application bureau of the Charity Organization Society and the Association for Improving the Condition of the Poor, at the New York State Conference of Charities and Correction. In New York City particularly the number of homeless and unemployed men applying for relief has shown a startling advance in the last few months as compared with the same months in previous years, and is practically twice as great as it was in the corresponding period of 1910.

"While exact figures as to the number of professional tramps, mendicants, and temporarily or permanently unemployed men able to work in the State at large can not be obtained," said Mr. Blatchly, "we know from our experience, from the records of other relief organizations, and from the testimony of local officials in all parts of the State that the vagrancy evil is assuming alarming proportions. In this city especially the records of the various relief organizations show a tremendous increase of homelessness and vagrancy within the last 12 months. Our own figures show that in the six months up to the end of March we had more than 18,000 applications from homeless men, as compared with 12,000 in the same length of time in 1910, an increase of 50 per cent. The Charity Organization Society reports a similar increase in the number of applicants at their wood yard, and we are sending them over 3,000 a month regularly.

LODGING-HOUSE FIGURES.

"We maintain a social secretary at the municipal lodging house, and it is probable that the figures showing the number of men sheltered at this institution furnish the most accurate indication of the increase of vagrancy in this city. In the last four months the number of men sheltered there has been practically twice as great as it was in the first four months of 1910, and the total for the last year was many thousands in excess of the highest previous record and nearly three times as great as it was five years ago.

"The following table shows the number of persons cared for at the municipal lodging house in the first four months of each of the last five years, indicating that the recent increase shows no signs of falling off, as would be the case if it represented merely a temporary condition:

	January.	February.	March.	April.
1911	24,366	18,905	19,457	15,715
1910	11,252	11,779	10,318	7,776
1909	12,544	11,507	12,081	9,694
1908	11,864	10,902	11,024	9,353
1907	5,067	4,187	4,234	3,723

"From these figures it will be seen that the number of men seeking the city's protection for a night's lodging has been between four and five times as great throughout the first quarter of 1911 as it was in 1907. Of course, general employment conditions were better in 1907 than they are now, and this undoubtedly accounts in part for the increase, but it does not explain the doubling of the figures in the last year, as there has been no such marked change in industrial conditions within that time.

"The following figures show the total number of men sheltered at the municipal lodging house during each of the past five years: 1910, 116,182; 1909, 102,421; 1908, 96,934; 1907, 53,741, and 1906, 40,872.

"From these figures it appears that 1910 was a record-breaking year for vagrancy in New York, but if the increase recorded for the first quarter of the present year is maintained the figures for 1911 will leave this total far behind.

"STATE FARM COLONY NEEDED.

"The remedy for this condition, in the opinion of the practical workers who have been brought into direct contact with this problem of the increase in vagrancy, is to be found in the establishment of a State farm colony where the labors of these men may be utilized to meet the expense of their maintenance and where some of them undoubtedly can be turned from tramps and beggars into self-supporting citizens. The records show that about one-third of those committed to penal institutions in this State for vagrancy are under 30, and a farm and industrial colony would be able to turn some, at least, of these younger men into self-supporting workers. For the others it would make them contribute some part, if not all, of the cost of their support, which at present represents an annual expense to the State of over $2,000,000.

"A very important effect of the adoption of the farm colony plan which is provided for in a bill now before the legislature would be in ridding the State of a large proportion of its tramps, of whom New York now has far more than its due quota in proportion to its population. Those of us who have had occasion to note the startling increase of the vagrancy evil hope that the Chanler bill providing for a State commission to investigate vagrancy and to locate a site for a State farm colony, possibly on lands now belonging to the State, will be enacted into law before the legislature adjourns."

Mr. SMOOT. Mr. President, the inference to be drawn from the remarks of the Senator from Wisconsin [Mr. LA FOLLETTE] is that the Payne-Aldrich bill passed the House, came to the Senate, and the Committee on Finance considered the bill but 48 hours and reported it back with some 600 changes. I simply want to say to the Senators that as soon as the Finance Committee was organized in the Sixty-first Congress the committee met every day of the week at 10 o'clock in the morning, labored until 5 and 6 in the evening for weeks and weeks before ever the Payne tariff bill passed the House of Representatives, and by the time it did pass the House the Finance Committee of the Senate had considered every schedule of the bill. The Finance Committee of the Senate had the hearings that were held before the Ways and Means Committee of the House. They gave hearings to anyone attended by a Senator who desired to be heard. Any Senator who appeared before the committee upon any schedule was heard; and the time given to the bill was not 48 hours, but it was weeks and weeks.

Mr. REED. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Missouri?

Mr. SMOOT. If the Senator will wait until I finish, then I will gladly yield.

Another thing, Mr. President, I wish to just answer briefly. The Senator from Wisconsin says that the Wilson bill had nothing whatever to do with the financial condition of the United States during the years 1894–1897. I say that the Wilson bill had an effect upon the woolen industry of the United States, and an effect upon the woolen industry of England.

Let me quote here what the London Times said of the woolen industry of Bradford, England, at the close of the year 1895. The London Times said:

There is room for doubt whether outside the West Riding of Yorkshire it is at all generally realized that the year 1895 witnessed a revival in the worsted industry of such magnitude as to be a matter not only for local but for national congratulation. After long years of depression the varying, sometimes, doubtless, intermitted gloom of which had lately become painfully intense, the great manufacturing district of which Bradford is the center was visited last year by the full sunshine of prosperity. Roughly speaking, the Wilson tariff, which came into effective operation in the last month of 1894 in place of the strangling system of duties associated with the name of McKinley reduced the customhouse charges upon the principal products of the Bradford district imported into the States from 100 per cent of their value to 50 per cent.

I also call the attention of Senators to the fact that during the year 1891 there were 11,886,716 pounds of cloth imported; by 1892 there were 16,248,313 pounds; and in 1893 there were 13,604,965 pounds, or in those three years 41,739,996 pounds, while in the single year of 1895, when the country was in the throes of poverty, there were imported from England 40,070,148 pounds. There were imported within a few thousand pounds in that one year of what was imported during the three preceding years under the McKinley bill.

Mr. President, I am not going to take up the discussion as to whether the tariff had anything to do with the general distress throughout this country, but I know that it closed the woolen mills of this country and it opened the woolen mills of the Bradford district, in England.

The VICE PRESIDENT. The question is on agreeing to the conference report.

Mr. WARREN. Mr. President, I rise with some reluctance on this report.

Mr. REED. Mr. President——

The VICE PRESIDENT. Does the Senator from Wyoming yield to the Senator from Missouri?

Mr. WARREN. I do.

Mr. REED. I rose to ask the Senator from Utah a question, and he said he would prefer I would wait until he had closed. I did wait, and I should like to have the privilege of asking the question.

The VICE PRESIDENT. Does the Senator from Wyoming yield for that purpose?

Mr. WARREN. Certainly.

Mr. REED. I understand the Senator from Utah now to say that the Senate Finance Committee did hold meetings for many weeks and did have hearings.

Mr. SMOOT. Mr. President, I said that the Senate Finance Committee did hold hearings for weeks, and that any Senator who desired to be heard upon any schedule was given the chance, and whomsoever he brought with him was given a hearing.

Mr. REED. I had not concluded my question. I want to know if the Senator from Utah desires now to change the statement he made on this floor in a recent speech, in which he said that the meetings were secret meetings, had by only the Republican members of the committee, and that no one was admitted except those interested parties who came before that secret tribunal organized out of the Republican members of the committee?

Mr. SMOOT. Mr. President, I have no desire to change any statement that I have ever made on the floor. I say now to the Senator that there had been given by the Ways and Means Committee of the House full and complete hearings—nine volumes of them.

Mr. REED. I am talking about the Senate.

Mr. SMOOT. If the Senator will wait, I will come to the Senate.

Mr. REED. I trust the Senator will not take a change of venue to the House of Representatives.

Mr. SMOOT. If the Senator does not want me to answer, I will take my seat; but if he will be a little patient, I will come to the Senate.

Mr. REED. I have infinite patience when I am being entertained and instructed by the Senator from Utah.

Mr. SMOOT. Mr. President, I will say that the hearings were open hearings before the Ways and Means Committee of the House, and there were nine large volumes of them. The Finance Committee of the Senate decided that there was no necessity of having public hearings covering the same ground, but also decided that any Senator who desired to appear before the committee, or have any of his constituents appear before the committee, could do so and be heard upon any schedule in the bill. I will say that there were a great many Senators who appeared and a great many men interested in the several schedules. I do not know that they could be called secret meetings. There were all the members of the majority party at those meetings.

I want to call the attention of the Senator from Missouri to the fact that the Senate Finance Committee, acting upon the Payne-Aldrich bill in relation to having only the majority members of the Finance Committee present, followed exactly the same course as was taken in the consideration of the Wilson bill and also all other Democratic tariff bills.

Mr. REED. Mr. President, if the Senator will pardon me one word further—because I want a specific statement on this if I can get it—does the Senator say that when the Wilson bill was being considered by the Finance Committee of the Senate hearings were held by the majority members sitting alone and held in secret, or does he mean merely to say that, after having had their hearings, public in their nature, then the majority members met for the purpose of arriving at a conclusion, the distinction—so that there can be no misunderstanding—being between a committee holding public meetings——

Mr. WARREN. I hope this ancient history may be boiled down as closely as possible, as the hour is late.

The PRESIDING OFFICER (Mr. CURTIS in the chair). Does the Senator from Wyoming yield to the Senator from Missouri?

Mr. WARREN. I yield for concrete questions and answers.

Mr. REED. I will endeavor to boil it down so as to leave sufficient time for any Senator to represent his own interest on this floor.

Mr. WARREN. Mr. President, I do not believe that the courtesy which I have shown to the Senator deserves the discourtesy that the Senator evidently intends for me.

Mr. REED. Well, if the Senator does not desire to yield, I will desist and will occupy the floor in my own right.

Mr. WARREN. I had yielded to the Senator, and he is taking advantage of that to be discourteous to me, and I decline to yield further at this time.

The PRESIDING OFFICER. The Senator from Wyoming declines to yield.

Mr. WARREN. Mr. President, as I was about to say when interrupted, I rise with a great deal of reluctance to discuss this conference report because I assume the condition is much the same as when the old farmers used to say, "The matter can't be helped; the calf's eyes is sot." I do not suppose that anything I may say or anything any other Senator may say will change, at this juncture, a single vote in this Chamber, but I must not sit in silence when a matter of this kind is presented lest I may be understood as supporting the measure.

I take it for granted that in enacting a tariff law we must either have in view the matter of revenue, the matter of protection, or the matter of general benefit to the consumer. In my opinion, this bill is a failure as a revenue producer unless, indeed, we shall resort to the low wages for labor of foreign countries in order that we may successfully compete with a product produced with labor at one-half or one-third the wages paid in this country. It is a failure, I believe, so far as benefiting the consumer is concerned, unless we do that same thing—employ pauper labor or labor at pauper scale of wages. As a protective measure the so-called wool bill would be a miserable failure, both as to sheep and wool growing and wool manufacturing.

The talk of wool and woolen tariff percentages sounds large but conveys to the listener or reader an entirely erroneous idea of the real charge against wool and woolens. If an article is worth 5 cents, 100 per cent sounds large, and yet the 5 cents and the 100 per cent added make but a small sum.

Mr. President, so far as the consumer is concerned, if the woolgrower gave up his raw wool at the shearing pens for nothing it would not make a difference of over 50 to 75 cents on a suit of clothes such as you buy at, say, $10, and it could not make a difference of as much as $2 on any suit of clothes that a tailor will produce for you at from $35 to $75, if again the farmer furnished the raw wool free of cost. So, in talking of percentages, how insignificant the cost of wool in a suit compared with the total cost of a suit of clothes. And if it is true that a woolgrower's product that goes into a suit of clothes is not worth over from a half dollar to a dollar and a half or two dollars in toto, how much have you saved to the consumer if you have reduced slightly the tariff on the woolgrower's product? Again, there is not a suit of clothes worn in this Chamber, unless it is a peculiarly fancy suit that some of my friends may indulge in, out of which the manufacturer gets to exceed $5 or, at the very most, $6. Take the best blue all-wool serge that is made to-day, and it takes three yards and a half of the regular double-width cloth, at from $1.30 to the very highest, $1.48, a yard at the mill. Other all-wool serges may be had for less than $1 a yard, and cotton warp and wool serge for much less than $1 a yard. You may make a present to the consumer of the cloth already made and you have not reduced the tailor's price of that suit in any great degree.

The cost of a suit of clothes on the back of a consumer does not lie with a tariff on wool, nor does it lie with the tariff or the effects of the tariff on the manufacturer. When I state it as a fact that the woolgrower gets from 50 cents to less than $2 for the wool in a suit, and when I say that the manufacturer gets only from $1.50 to a possible $6 for finished cloth, enough for a full suit of clothes, and when we consider the bills that we pay our tailors, as I said before, from $35 to $75, it seems to me that we have got to look in some other direction for any very great measure of relief to the consumer in "iniquitous Schedule K" than to either woolgrower or woolen manufacturer.

Whenever you lengthen the hours and reduce the price per hour of labor you may touch the point and render a material difference in the price of clothing to the consumer. For instance, labor in the woolen mills and on the farms of Germany is one-third or less of the price of American labor, and in England and Belgium about an even half.

Mr. President, if, under this proposed reduction-of-wool-tariff bill, we are to increase our revenue or even maintain the amount of revenue that we now are collecting, we must either raise no sheep and wool or ship our wool abroad, which, of course, is impracticable, or close our mills, so that either all the cloth or all the wool will come from another country; for if all the wool and woolens consumed in this country were taxed the proposed rates, we would still be short of the revenue now received under the present tariff law.

It is easy to say, Mr. President, that the Wilson bill did not disastrously affect the sheep grower or the manufacturer; it is just as easy to tell the child if he sticks his hand in the fire that it is not the fire that burns him; but he knows that he has got a sore hand, he knows that he had the hand in the fire, and those two facts convince him that he burned his hand in the fire. If it pleases the Senator from Wisconsin [Mr. La Follette] to say the Wilson bill did not close the woolen mills of the United States and annihilate the woolgrowers, he may do so; but the fact remains that both woolen mills and woolgrowers were prosperous before the Wilson law was enacted and also after it was repealed, but were nearly all of them wrecked during the time the law was in force. We have had a tariff on imported wool and woolens for nearly a hundred years, sometimes higher and sometimes lower; we have had panics severe enough, the Lord knows—for instance, the panic of 1873 and the earlier panics—but there was never a time that the majority of woolgrowers could not live under it until the panic following the enactment of the Wilson-Gorman law. There never was a time during those earlier panics—never a time in a hundred years—when the woolen mills were compelled to close as they were under the operation of the Wilson tariff law. I assume, therefore, that it is fair for us to say that that condition was due to free wool and greatly reduced tariffs on woolens, that that closed the mills, and that that reduced the number of sheep in this country from fifty-odd million to 37,000,000 in the short time of some four years. The Senator from Wisconsin assures us that perhaps we shall have hard times following tariff changes, even such as he proposes. It may be proper for us to arrange a soft place upon which to fall when we have debauched the tariff; it may be better for us to say beforehand that we expect panics, that we expect receding prices. I think myself that it is well to prepare the people for them if they are to come; but why legislate in any manner which will invoke or invite hard times?

I do not believe, and I do not indorse the theory that the Wilson bill had no adverse effect upon the business of this country. I am willing that the matter may stand in the judgment of this country and with the voters of this country exactly upon the ground: Did or did not the passage of the Wilson bill ruin the sheep industry and the woolen industry, or so nearly so, as to leave the wrecks of that industry lining the country from the Atlantic to the Pacific?

The proposition of the present bill is for an ad valorem duty upon wool and woolens. I am a believer in ad valorem tariff duties as to a great many commodities, but they are totally inapplicable to wool. They never have been a success as to wool, and never can be a success, from the very nature of things. Nor could a system of ad valorem duties on wool and woolens be satisfactory if it were a success, so far as collection of revenue is concerned. The woolgrower, if he needs any protection at all, needs it just as much when wool in a foreign country is low as when it is high—in fact, he needs protection most when the price of wool is lowest. So, from a protective standpoint, when the woolgrower is struggling with a low market and prices are low at home and abroad, under the ad valorem duties his protection is reduced to a point where he goes out of business. On the other hand, when he is prosperous and the market is high, he then from an ad valorem tariff receives that which he does not so much need.

The ad valorem duties must apply to value. How do you determine the value as to wool? The commodity of wool comes over here in sacks and bundles. The individuality of wool and the numerous thousands and thousands of strains, types, textures, and conditions that exist, conditions as to shrinkage, and so forth, are such that, in order properly to value wool every bale of it would have to be opened upon the pier upon its landing. That is not practicable. On the other hand, as to values and conditions, there is no tariff schedule in the world so intricate, as everyone knows, as Schedule K. I am willing to admit that. So must we all. I wish I knew more about it, and I wish we all knew more about it; and for that reason I desire to have the benefit of the investigations of the Tariff Board, which, from all sides of this Chamber, received its support and commission, its authority, and its order to examine and report upon this very schedule.

Now, I come back in this intricate schedule to the matter of the protection to the woolgrower. Who represents him at the dock or the customhouse? The man who seeks to enter the country with wool is, of course, interested in swindling the Government, or at least in depressing prices and in saving himself money; the man who buys the wool in this country seeks to get the lowest possible valuation; the woolgrower is a thousand, two thousand, or three thousand miles away; and there is nobody to protect him unless it be some representative of the Government who may be at the customhouse to-day and gone to-morrow, and who possibly may be an expert—more probably not. Most likely he may be one of those whom the gyrations and fortunes of politics change occasionally, and who only knows of wool what he may learn at his post of duty from those who are all on one side, and that side the one against the woolgrower.

As to the percentages on first-class wool, second-class wool, and third-class wool, taking a superficial view of the matter from the point of view of the woolgrower, the bill as reported by the conference committee would be a very great improvement over the bill as it first came here from the House of Representatives; but I can not subscribe to the statement that we raise no carpet wool in this country, and that no third-class wool is used for clothing purposes, except a small percentage, for it is known to everyone who has watched the business—and it is now recognized in the market papers and recognized

and assented to by the manufacturers—that a very large proportion of No. 3 wool goes into the clothing of this country. Of course every pound of that wool that comes in at a lower rate than No. 1 or No. 2 wool displaces a pound of No. 1 or No. 2, and therefore reduces the protection, just as the price of the cheaper No. 3 wool is lower than the price of No. 1 wool.

The woolgrower has had his percentage of protection enlarged in the conference report over the original Underwood bill—and I am glad to see it enlarged as it has been—but, of course, it is perfectly patent to everybody that the American woolgrower has only one market, and that is the American market, and the American market for wool is with the manufacturers of the United States. Therefore, if this tariff bill is intended to protect the woolgrowers, and protect the woolgrower in full, his product must be successfully used here in the United States. On the other hand, if it can not be used here, it does not matter whether the rate of duty is 29 per cent or 99 per cent or 9 per cent, because unless our manufacturers can be protected against foreign cloth they can not run and consume our American wool, and thus the woolgrower is thrown upon the markets of the world and is compelled to ship his wool to Liverpool or to some other port and loses all benefits of American wool tariffs.

I wish it were different; but we may as well face the fact that the woolgrower, in order to be protected, must not only have his product as he delivers it provided for, but it must also be possible for the mills of this country to buy the wool of this country instead of having cloth brought in from another country.

My opinion of this bill—I do not see the Senator from Wisconsin [Mr. LA FOLLETTE] here just at this moment—is that it is unscientific; that it would be a failure; that all those who vote for it if it is ever put into effect will rue the day that they voted for it no matter to what political party they belong. In saying that I assume that men on both sides of this Chamber want every industry in this country to be fairly successful. I am assuming that those who vote for a reduction of the tariff believe that the interests to be affected can sustain a cut in tariff duties and still exist and live; but, in my opinion, it is impossible for the sheep industry to survive under this proposed tariff; and I do not believe, either, that the manufacturers of this country can be successful under it. It is possible, Mr. President, that such of the very few sheepmen as can maintain themselves for a few years and sustain their losses will not be so much injured in the long run, because they may receive compensation as did the cattlemen in the matter of hides.

It was said by some that the cattle growers would not feel the difference; that hides would be just as high after being made free as they had been under the 15 per cent duty; and when the question was asked, "Then why reduce it?" the leather and shoe men said, "To give us—the consumers—cheaper shoes," which we were persistently, continuously, and tumultuously promised. Now, as a matter of fact, the abrogation of the tariff did not reduce the price of hides at the time, and, worse than that, it did not reduce the price of shoes. But whether it raised the price of shoes or not the price of shoes went up just about the time we took the tariff off of hides, and this country lost $3,000,000 that we had been collecting as revenue, and no one was benefited except a few of the manufacturers of shoes, and they had said beforehand they did not need the tariff on shoes and boots and that if we removed the tariff on hides they would relinquish all claims to protective legislation.

To explain my statement that in the survival of a few of the sheep growers and their probable success after long, dark days of disaster, I have in mind the flesh-food supply needful for this country. The mutton supply in this country is as much a consideration to the consumers of the country almost as the wool supply. We are reading every day in the newspapers of the growing scarcity of beef and of cattle. We are reading every day that it will soon amount to a rise in prices with the retailer, which has already taken place with the wholesaler and in the central markets of cattle, because while cattle are growing scarce our country is growing more populous and our needs greater. This country must have meat. There must be a food product, and the equilibrium has been very largely kept down these late years through our generous mutton supply when sheep growing has been successful under an adequate tariff. Mutton is a commodity which can be handled easily anywhere, and especially it is the poor man's meat, for he can go to market and buy a quarter of mutton, getting it at a semiwholesale price, take it home, and preserve it, enjoying a variety of cuts and styles of meats without taking a very large total weight or paying a large price, while he could not thus get beef. To-day, with all the mutton we have, we have hardly sufficient to support this country and keep the price down at a level where the consumer may live. If we reduce the number of sheep, as the enforcement of such a tariff bill as this will surely do, the prices of meats must, of course, advance.

All the time our population is growing, and the difficulties are increasing as to our flesh-food products.

We have land enough to raise cattle and sheep in greater numbers, but in order to do that we have to more intensely cultivate the land, we have to spend money for fertilizers, we have to spend money for irrigation, we have to spend money in different quarters, which of course raises the value of the land, and therefore the value of any commodity raised upon the land; so that just as you reduce the sheep of this country in numbers you raise the price of the mutton, and while it will sweep from the face of the earth a large number of the sheep growers, the small balance of them will ultimately live without doubt, but at the expense of the consumer, who will pay a higher price for his meat.

I notice the votes in another place where a very large number of those who associate with the party that believes in some measures of protective tariff voted for the acceptance of this or a similar conference report. Let me say to those who come from those farming States where few, if any, sheep are bred that if they think because they raise only corn and other grains and hay that they are immune from the effects of this tariff, if it shall affect the sheep grower, they are mistaken. For as a matter of fact, the largest percentage of sheep now grown in this country are grown in that section of it beyond or west of the corn States, and every year thousands, nay, millions, of those sheep are shipped down into the corn country and fed upon the corn and hay raised there, and the growers who fatten their sheep at home draw their grain supplies largely from these same States, and the farming States will feel the effect of this; if not the same, they will feel it sufficiently to know the difference in having a market both east and west of them for their grain and forage and of having only a market east where they must meet a greatly curtailed consumption and enlarged competition.

Mr. President, the tariff busters of this and another House seem to forget, when they would assassinate Schedule K, that they leave undisturbed the present tariff on about everything the woolgrower and wool manufacturer have to buy—not only to eat and wear, but to perfect his product. In wool manufacture chemicals are used profusely all the way through from the scouring of the wool to the last finish of the cloth. Every piece of all the expensive machinery used is under high protective tariff, as well as everything used in packing, shipping, and so forth.

And, again, we have a class of "smart ducks" who are always ready to tell us all about the cost of sheep growing, and so forth, though they may scarcely know a sheep from a goat. As an example I have here what appears to be an Associated Press dispatch, as follows:

OGDEN, UTAH, *July* 29.

W. C. Barnes, representing President Taft and the Tariff Board in checking up the information of the Government on wool and sheep inddustries, arrived in Ogden this morning after visiting four of the largest sheep States of the West. In a statement made public to-day he says the data obtained proves that sheep can be raised and wool clipped and marketed and lambs disposed of at a cost of $1.50 per head, the annual revenue from which, with wool at 13 cents, totals $3.31, leaving a profit of $1.81 a head. His figures are as follows:

Cost per head to raise sheep, all expenses incident to grazing, herding, shearing, dipping, lambing, freight on wool and mutton, interest on money investments, etc., $1.50.

Average price of lambs, $3; average pounds, at an average of 13 cents per pound, delivered, 91 cents.

Average price of lambs, $3; average increase being figured at about 80 per cent, placed on the market, $2.40.

Total receipts, $3.31.

Total net receipts per head, $1.81.

Mr. Barnes stated that there may be a slight variation by States in the cost of raising sheep and the marketable value, also the wool clip, lambs, and mutton, but that the above figures show quite accurately that the average is in the territory over which he has traveled. He suggested that the cost of raising sheep might be reduced considerably by better business methods by sheep owners.

Of course Mr. Barnes did not say this—he has denied it in toto—but somebody said it; and in order to get it into the newspapers the name of an employee of the Tariff Board was stolen for the occasion.

To those who know the business the item is as amusing as the "glossary" which the House Ways and Means Committee so confidently published, claiming that all sheep were wethers (males) after the first shearing when they became 1 year old, notwithstanding sheep are born and raised almost exactly even in numbers—males and females.

And this "wise guy" from Ogden would raise 80 per cent of lambs each year from his flock, even if but one-half could be mothers, to say nothing of his allowing nothing for death rate—old age, disease, and various contingencies.

Mr. President, I hesitate to invade any new territory in discussing this question, but on account of some invidious distinctions made in this debate with reference to who may vote in the Senate and who may not vote, I want to observe that if we have come to a point where it is said of a man (a Senator) who may have a dollar invested in this or that property, or any property which may be affected by legislation, that he is disqualified from sitting or voting here, what are we going to do about the sitting lawyers who are legislating for law suits, manufacturing new laws, the natural course of which is increased business for lawyers? Lawyers would have little business without it.

I would like to know whether, if a man happened to have a share of railroad stock, he is to sit here like a Stoughton bottle, shamefaced, and without the right to speak for himself or his people on railroad legislation. I want to say that it is belittling, indeed, if it be true that any man who sits in this body would vote differently upon any matter because forsooth of his personal investments. I will not accuse any man of so sitting here, because I would not insult either a Senator or the State from which he comes by charging such veniality. I do not think Senators are of that character. It is belittling to say or even think of a man who accepts the commission of this great office to here represent the United States and represent his own State that if he happens to have a dollar in this or that or the other interest he must be dumb, and the people who send him here—the State that sends him here—must lose their representative in the consideration of laws affecting an industry in which the major portion of the citizens of the State are interested, and that the Senate must lose the knowledge and experience of each Senator who is not a pauper, and the States must be confined to the one idea of electing a man who has not got a dollar in the world for fear he might have some interest that he might subserve here.

Mr. President, I have not got to that point where I myself entertain the feeling that I can not legislate on those things that I am or may not be interested in the same, and I do not believe that other Senators in this body are in that condition of mind or are of that character, but if so, in what plight are those who wish to reduce wool tariff so they may buy cheaper clothes for their backs, though wages of laborers on ranches and in factories are reduced and their hours lengthened in consequence as compared with those who wish a tariff maintained sufficient to prevent bankruptcy and maintain living wages for labor?

Carried to its logical conclusion, if a Senator may not vote if he have any property interests, the States would be reduced to the extremity of selecting their Senators from among penniless hobos who traverse the country stealing rides on the brake beams of freight cars in order to secure free-handed representation.

Mr. President, at the risk of being considered as interested in woolen manufactures—and I never had a dollar's interest in them in the world, and never expect to have—I want to say if it is a fact that the Wilson bill, with its free wool and its tariff on manufactures of wool, was such as to cause the closing of the woolen mills, where they had 40 to 50 per cent tariff, with free wool, is it not fair to believe that we have put too large a strain upon them when we now give them a margin between raw-wool tariff and their own tariff of something like half as much as they had under the Wilson bill? In other words, if the manufacturer could not exist with 40 or 50 per cent protection and free wool, how is he going to exist when wool tariff is 29 per cent and he has thirty-odd to fifty-odd per cent? That is a question I think we ought to consider in all fairness.

I believe the woolen manufacturers to-day are in better shape to survive a cut in the tariff than they were at the time of the passage of the Wilson bill; I believe that more of them, a larger percentage, could live to-day, but I do not believe that they can possibly furnish a market to the woolgrower and conduct their business under a tariff bill upon the lines of the one now before us.

Whatever may be my opinions, I would rather wait until competent agents, with commissions to enter into all of the ways and byways affecting these interests, had passed upon the question and rendered us some finding and some recommendation, even though the rates might be lower than were wished for, because I believe that, take them altogether, they should and I believe will better match one with the other. I am not one of those who believe everything I find in the columns of the daily press, and I do not want to misquote a Senator. May I ask the Senator from Wisconsin [Mr. LA FOLLETTE] a question? I notice in the press this quotation from some speech of the Senator. I do not assert it is correct, but I should like to ask. The Senator is reported as saying:

> This is a temporary revision. That is all we expect to make of it. We are at work here at best with blacksmith's tools.

Mr. LA FOLLETTE. I will say to the Senator that I do not recall whether I used that language or not.

Mr. WARREN. I think the Senator would be justified in using it, and I only beg to differ with him in this way: If this country were on the verge of collapse; if we were in such misery that we would only use blacksmith's tools, even if it were to pull teeth, I might favor some bill that flavored of that kind of manufacture. As it is, I would rather wait and get some kind of benefit from the $450,000 that we are spending, and of which we have spent a large proportion through authorized agents, authorized by us to take up this whole matter and report upon it.

So, I shall vote against this report, and I hope it may not become a law.

Mr. BAILEY. Mr. President, I doubt if any bill ever came from a committee, and I doubt if any conference report ever came from the conferees of the two Houses, which was exactly as any Member of either House would have made it had he been given the complete and absolute control of it. I do not pretend to think or to say that this bill as it has been agreed upon in conference suits me in all respects; but I do say, without any hesitation and without any fear of successful contradiction, that all in all it is a vast improvement on the law which it is intended to repeal, and for that reason I cordially support it.

There were differences, not merely of rates and percentages, but there were differences as to the principle upon which a tariff law should be constructed between the Senate's own conferees. The Senator from Wisconsin [Mr. LA FOLLETTE] as a protectionist believes in graduating the ad valorem duties as an article advances in its state of manufacture, for in that way only can it cover the difference between the cost of production here and in foreign countries. As a revenue-tariff Democrat I would lay a flat ad valorem duty upon a given article in all of its forms and conditions, leaving that ad valorem duty to take care of all increases in its price made through fabrication or through other processes until it might be fairly classed as a luxury, or nearly so, when I would increase the rate. A duty of 30 per cent on wool and a duty of 50 per cent on woolen goods is a clear protection to the woolen manufacturer equal to the difference of 20 per cent. I do not disguise that from myself, and I would not, if I could, disguise it from my countrymen. They understand it now, and they will understand it better before this discussion has been concluded. But I could not have my way in that regard. Indeed, the bill which came to us from the House was not constructed exactly on my theory, and I felt that the Senate conferees were both generous and fortunate in arriving at a disposition of this matter so fair to all and affording so much relief to the people.

Mr. President, I assume the full responsibility, although I am sure my associates will be willing to share it with me, for the increase which appears in this conference report in the duty on carpets above the rate fixed in both the House and in the Senate bills. Indeed, sir, I not only avow my responsibility for that increase, but I was willing to make that increase greater still, because an examination of the report will disclose the fact that it was made only with respect to carpets of the highest quality.

My own view is that carpets whose price averages more than $2 per yard are as much a luxury as silk and wine, and I would levy a duty on such carpets as high as I could make it without reducing the revenue which their importation yielded. If there be those who would make that duty less, I am ready to argue that difference with them on some suitable occasion. Not only did I actively urge an increase in the duty on those finer carpets, but there were one or two other items on which I would have readily agreed to increase the duty. Had it been practicable to separate the cheaper from the finer laces I would have made the people who want those finer laces for ornament and decoration pay a duty that would reach the point prescribed for luxuries, while upon the cheaper laces, which people of moderate means buy, I would have laid a moderate duty.

In insisting as I did upon this increase in the duty on carpets of the highest class I was well within the rule which governs all conferences between the two Houses, for as the Senate had stricken from the House bill all after its enacting clause and had inserted a complete and independent measure the conferees were at liberty under the practice to report an entirely new bill.

This much, Mr. President, is all the occasion requires me to say. But I will go one step further, though I shall detain the

Senate but a moment longer, while I say to the Senator from Wyoming that the duties on woolen goods against which he has declaimed are 50 per cent higher than the duties which the fathers of protection asked in 1824, when the woolen industry was in fact a struggling and an infant one. Stimulated by the embargo of 1808 both cotton and woolen factories sprang up in different parts of our country, because we could not otherwise supply our people with those textiles which it had been our habit to import from England in the days of peace. Following the end of that artificial and unintentional protection there came a period of distress as great, and perhaps greater, than has ever occurred within the memory of any Senator here. The accumulated surplus of textile fabrics of Europe came here in superabundance, and both the cotton and the woolen factories felt those importations with tremendous and disastrous effect. Yet in that time, when they were begging to be saved by a tariff which should protect their weakness and their infancy, they did not beseech the Congress to lay a duty as high as that imposed by the compromise bill now before the Senate.

Mr. President, not only are these duties higher in this day than the advocates of protection asked for in the earlier days, but, sir, they are as high as any enlightened people, upon any theory, are justified in levying. If this industry can not sustain itself with an advantage of 49 per cent accorded to it by the law, we would be wise, sir, to withdraw the capital and labor thus employed and devote them to some less artificial and more profitable pursuit.

The people of the United States have about reached that conclusion; and if my Republican friends, who believe that a high tariff is a perpetual blessing, have not been instructed by recent events, they are duller than I think they are. The very high priest of protection on that side, when he will take counsel with calm judgment, and lay his prejudice aside, must know that the people of this country have decreed that these excessive duties must be reduced.

I can understand your obstinacy. New men have risen among you whom you seem to think are inspired by personal ambition. I am not ready to say that they are without ambition, because they have acted like men of high ambition, but also like men of honorable ambition. They have risen to contest your old leadership, and you hate to surrender it. But I tell you bluntly that you must surrender these high duties or you must surrender the leadership of your party. If you do not surrender these high duties, or if you do not surrender the leadership of your party, then you must surrender the administration of this Government into our hands.

Of course, some of you would rather see us reduce the tariff than see it done by certain men of your own party; and when you have produced more or less of friction, I am human enough and I am partisan enough to take advantage of that situation. But I have a nobler object than a mere party advantage. I want above all other things to see the burdens beneath which the industrious millions of this land are bending lifted from their shoulders. I would rather bring the people relief than bring success even to my own party, for, Mr. President, I rejoice to say that never in all of my political experience have I thought it necessary that this country should suffer in order that the Democratic Party might succeed. I would love to see these economic and industrial questions settled for a season, so that we might reconcentrate our minds upon a study and a discussion of the old and fundamental principles of this Republic. That, however, will not be done until this question is settled, and this question will not be settled until it has been settled right. We have everything to gain; we have as a party nothing to lose by the obstinate refusal of the opposition to grant this relief to the people; and yet this afternoon, even, before we adjourn, I would love to see you unite with us and send this bill to the President with such an overwhelming majority as would insure his approval of it.

Mr. NEWLANDS. Mr. President, we have now been in extra session for four months, and during that time we have considered three tariff bills, which have passed both Houses, and we have another under consideration. There are 13 schedules, I believe, in the tariff. If it has taken 4 months to pass 3 tariff bills, how long will it take to pass 13? I figure that, assuming that the other bills take the same relative time, we would expend 16 months of continuous effort in revising the tariff, meanwhile practically setting aside all other legislative business.

In this work we necessarily accept the conclusions of a few men, some of them experts, some of them not experts. In the House of Representatives I think that few outside of the distinguished leader of that House would be able to explain the provisions of any one of the tariff schedules that have been revised; and outside of a few men in the Senate I doubt whether there are any who have a thorough understanding, or even a partial understanding, of the bills which have been before us—such an understanding as would enable them to give an intelligent explanation of them; and I am free to confess that this criticism would apply to myself.

In this work Congress, in both Houses, has relied upon experts—unnamed experts, unknown experts. The Senators and Representatives who are responsible for these bills rely upon such experts, so that in the final analysis Congress is passing bills that have been framed by experts whose names, whose works, whose capacities, are not known to Congress or the American people.

There are some of us who for years have insisted that Congress should not waste its time and energy in endeavoring to do all of its own work, when it can get experts to simplify its labors. There are some of us who believe that Congress should not be its own secretary, that Congress should not be its own messenger, that Congress should not be its own typewriter, that Congress should not be its own architect, that Congress should not be its own engineer, that Congress should not be its own artist, that Congress should not be its own tariff expert; that there are many matters that can be intrusted to experts organized in a board or commission and operating under rules fixed by Congress. Some of us, who know how large affairs are conducted and who have been acquainted with large affairs, realize that Congress is far behind the best standards in its methods of doing business. We know that every successful enterprise of the country relies for its success upon the expert services that it secures—the best experts in the law, the best experts in chemistry, the best experts in every field of human endeavor. The methods of Congress are beyond description provincial in character, the methods that belong to the small frontier town, to the obscure country hamlet, to the ill-worked farm, to the factory ill organized for profitable production. And when we insist that there are many matters requiring specialized information, continuous research, and trained experience, which can be better administered by boards of experts acting under rules or standards fixed by law, we are reproachfully told that we favor government by commission.

But notwithstanding these discouragements, we have insisted for years that the functions of the lawmaking body are but performed by utilizing the services of experts and, finally, as the result of much effort, after long opposition by Senators such as the Senator from Wyoming, such as the former Senator from Maine, such as the former Senator from Rhode Island when the Republican Party was intrenched in power, because they knew that a competent board of experts would throw the light upon all the details of the tariff and so convince the American people of its excesses that public judgment would no longer be distracted and deceived, we have as the result a final yielding to the force of public opinion and the organization of a bipartisan Tariff Board, under weak and begrudging legislation, it is true, but with powers gradually increased by the action of the President and enlarged in the scope of its inquiries by additional appropriations.

Mr. WARREN. Mr. President, may I ask the Senator a question?

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Wyoming?

Mr. NEWLANDS. Certainly.

Mr. WARREN. I understood the Senator to say that I was one of those who opposed a tariff board. That may be true, but I think the records will show nothing of that kind. I do not recall any opposition on my part.

Mr. NEWLANDS. I am glad to hear the statement of the Senator from Wyoming. I was alluding to the time prior to the action of Congress regarding the Tariff Board, when the Republican Party had been in power for years and had steadily refused the suggestion of a tariff board, and I presumed that the Senator, being in harmony with the general policy of his party, had joined in that resistance. But I am always glad to welcome converts, and I hope that there will be converts also on this side of the House. Public opinion is ahead of Congress upon this question. Public opinion demands that experts shall be set to work upon this important question.

Mr. President, what will be the result of these four months of continuous work? Will we get a reduction in the tariff? We are told that already the veto is prepared on the woolen bill and on the free-list bill. We are told that there will be a veto on the cotton bill if it is passed, after an effort probably requiring an extra month of work in Congress. What substantial result will there be, then, for the American people? Shall we play simply for political position in the next campaign? Shall we play to put the President in a hole, or shall we secure an honest and substantial reduction to the American

people of existing duties which are oppressive and exacting? I take it that we are for the latter.

How can this be secured? The Democratic platform blazes the way. It declares for a gradual reduction of excessive tariff duties toward a revenue basis. That can be done by a simple bill which the President would not dare to veto, but which gradually and automatically in four or five years would produce a perfect tariff revenue. What would such a provision be? Why, simply the short amendment which I proposed to the free-list bill and to the wool bill, and which I was induced by those in charge of those bills not to present, because they wished them to go before the country unembarrassed by general legislation.

What is that amendment? It simply provides that where the importations of dutiable articles do not equal one-tenth of the total domestic production of similar articles the duty shall be reduced at the rate of 10 per cent per annum until the importations do equal one-tenth of the domestic production.

What effect would that produce? It would immediately attack every excessive and prohibitory duty of the tariff. Is not that what the Democrats want? Is not that what the progressive Republicans want? Can any regular or reactionary Republican say that he is opposed to turning an absolutely prohibitory duty into a revenue duty—that he is opposed to the reduction of a duty the importations under which do not reach one-tenth of the total domestic production? Could a Republican President veto such a bill or defend himself behind a veto of such a bill?

It may be said, however, by my Democratic friends that this is an indorsement of protection. It is a recognition of the fact of protection, but not an indorsement of the principle of protection. It is a recognition of the fact that protective duties exist; that they are excessive in many cases and prohibitory in others; and, recognizing that fact, this amendment prescribes action upon that fact, and declares the rule to be that upon such duties there shall be a reduction of 10 per cent per annum until the importations equal one-tenth.

But my Democratic friends may ask, "Why stop there?" My amendment simply provides that when the importations do equal one-tenth, then the matter shall be referred to Congress for its action. After the prohibitory and excessive duties are turned into revenue duties, Congress can then, if it chooses, declare that the reductions shall go on until lower depths are reached or put the articles on the free list. Meanwhile specific action upon other duties is not prevented. Throughout the entire administration of this amendment the President could act by experts in the ascertainment of the facts. The statisical bureaus of the Government will easily show the facts; the Tariff Board can inquire into the facts; and the President is required, whenever the facts are ascertained, to declare the legal result.

Mr. President, the cotton tariff bill is before us. I hope that the objection will not be made by those in charge of that bill that we should not put upon it general legislation. I hope the Senate will seriously consider putting upon that bill the amendment to which I have referred or, perhaps better, to substitute for the bill itself the amendment to which I have referred. The President may refuse to sign the cotton bill upon the same ground as the wool bill and the free-list bill, namely, that the Tariff Board has not had an opportunity of investigating and of informing Congress regarding the facts; but he can not, it seems to me, refuse to sign a bill which provides for a gradual reduction at the rate of 10 per cent per annum of the excessive and extortionate duties of the tariff under a rule fixed by Congress upon facts to be ascertained by the executive department.

It can not be pretended that such a measure will imperil any American industry. It is true we are now, as I have before said, like the man who has climbed to the highest pinnacle of a steeple, and the question is whether he shall slide down or whether he shall jump down. This amendment provides a means of sliding down; it furnishes a brake which prevents a too precipitous descent, all the way along saving the industries of the country from an inundation of foreign goods, which may temporarily paralyze production and bring about general readjustments.

The Democratic Party, radical and progressive in theory but conservative in methods, in convention assembled, has declared for a gradual reduction of the tariff to a revenue basis. Read the utterances of its leaders, from Mr. Bryan down, in the great campaigns, and you will find that that is the thing that they promised. This amendment is a fulfillment of that pledge.

I trust, Mr. President, that the Senate will seriously consider this amendment in connection with the cotton bill.

Mr. REED. Mr. President, I know that the hour is late, but I do not intend to permit to pass unnoticed the position that has been taken on this floor, nor unchallenged the expression of any sentiment which goes to the effect of a declaration that men have the right to sit in this Chamber and vote upon matters that directly affect their individual interests. I have no desire to say anything to harass the feelings or wound the sensibilities of any man; but, sir, I say that if it is ever admitted to be within the proprieties for a man to sit upon this floor and vote for matters that particularly and directly concern his financial interests, this body will sink to a point so low in public opinion that there will be no nethermost.

I may have been trained in a very poor school, but I have been taught that the judge upon the bench who will decide a matter in which he has a financial interest is an unjust and an unrighteous judge. I have been taught to believe that a juror coming into the box must be one who has no interest in the controversy. I have been taught to believe that the law prohibits the service of an interested juror and the decree of an interested judge not so much because the framers of the law considered the judge would wittingly be dishonest or the juror intentionally swerved from a fair and just verdict, as they recognized the truth universally recognized that no man can be certain he has laid aside in the determination of a question the weight of his own personal interest. So it is everywhere written, "No man shall adjudge his own cause."

I agree that this body is here to represent the American people—all of them, and not simply a few of them; I agree that this body ought to represent all American citizens, not particular classes of American citizens; but, sir, as I have listened to these debates I have been struck with the fact that those who own woolen mills have been most active in the defense of the tariff upon manufactured woolen goods and that those who own sheep have been most intensely interested in the welfare of the sheep owners. I put it hard upon the conscience of every man within the sound of my voice whether the duties devolving upon a Senator are not as high and as sacred as those devolving upon the judges of our courts.

I have heard in this Chamber beautiful eulogies pronounced upon the bench of America, and I have joined in those eulogies, indorsed those sentiments, and applauded their utterance; and yet, sir, great as is the Supreme Court of the United States, far as we have tried to place its members above the influences that reach into the life and mind of every man, well as these judges have been trained in their profession, long as they have walked the straight path of equity and observed the bounds of justice marked by the law, fortified as they are by experience, guided though they be by precedent, example, rule of law, and the light of learning, there is not one of them who would sit in a case where he had the slightest personal or financial interest. There is not, sir, a circuit judge upon the Federal bench, there is not a district judge sitting in any of the counties of our States, there is not a justice of the peace in any enlightened community who would claim the right to decide a case in which he had a direct financial interest. If the judges of courts, then, are not above the touch of influence, and if they all shun the mere possibility of being warped in their judgment by their personal interest, I ask you what it is that has created immunity for men in this body?

I do not care how just the man may be, I do not care how he may seek to serve only his country, his conscience, and his God, there is no man who can make certain that in the end it is not his own personal interest which is controlling him, if he have a great personal interest.

Mr. President, it was in effect said by the Senator from Wyoming that men should not come to this body merely because they have had no success and have not a dollar of money. The inference was broad that those who have little money should not come at all and sit here in "the councils of the mighty." I grant you that men should not be sent here because they have no money; neither should they be sent here because they have much money nor should they get here by the use of the money. I grant you that a man ought not to be sent here because he has little money; but I say that it is as true to-day as it was in the days the sentence was uttered that "It is easier for a camel to go through the eye of a needle than for a rich man to enter into the kingdom of God." That ancient aphorism does not seem to apply to the United States Senate. But then sometimes I even entertain a fear that this forum does not very much resemble the celestial fields. Why did the sentence I have just quoted fall from the lips of Christ? It was said, sir, because it was true then, as it is true now, that those who own vast properties, who control immense riches, are likely to let their property interests outweigh the interest of country and humanity.

I would not attack the flocks and herds of the great West; I would not take an honest dollar from any honest man's pocket. I object to no man guarding his flocks and guarding his herds, watching them increase and multiply and bring him wealth; but I do, sir, solemnly protest against any man using the United States Senate as the point from which to subserve his personal interests. I apply that to every man who sits in this Chamber, or has ever sat in this Chamber, who votes a tax upon the people of the country when he knows that a large part of that tax will finally jingle down into his own capacious pockets.

So, since the challenge has been thrown out by the Senator from Wyoming, I venture to say that while men may rightly come to this body who possess great wealth, while men may rightly come to this body who have great property interests, yet if the proper spirit animates them, if clean ideals animate their souls, they will do as the just judge does when he finds his interests are involved in the case on trial—just as the judge will step down from the bench and refuse to sit in a matter in which he is financially concerned—so the interested Senator will step aside whenever the question to be determined directly effects his personal interests in any other manner than it effects the interest of the people of the country at large. If that be not the conscience of the Senate to-day; if the rule embraces a horizon too broad for the vision of this hour, I make the prediction that within the lives of nearly all of us you will find the rule has been adopted and obtains here without dispute and without breach.

Mr. President, I know that they have many fine flocks of sheep out in Montana, out in Wyoming, and out in the West generally; and I have been noticing, while this debate was going on, a few figures. The astonishing fact is that one-half of the sheep of the United States are found grouped in what is known as the western division, embracing Montana, Wyoming, Colorado, New Mexico, Arizona, Utah, Nevada, Idaho, Washington, Oregon, and California.

I observe, too, that the number of sheep is small in several of those States, but that when you come to Montana you find 5,372,639 sheep, in Wyoming 5,194,959 sheep, and in Utah 1,670,890 sheep. Nearly one-third of all the sheep of the United States are in those three States.

But I observe another thing. Since we are asked to protect the flocks and the herds, since we are asked to tax every boy and every girl, every babe that lies in its swaddling clothes in the cradle, and every mother of this land; since we are asked to tax the entire 90,000,000 people—none of them to escape—I challenge attention to this very significant fact: While in Wyoming they have 5,194,959 sheep, there are only 1,670 men who own those millions of sheep. That number counts every man who owns a ewe or a lamb; it counts every man who owns even one sheep. I presume that upon the farms out there, as elsewhere, many farmers only keep 4 or 5 or a dozen sheep for the purpose of raising mutton or other domestic uses. These figures, then, teach the fact, nay, make it patent, that nearly all these millions of sheep are owned by an exceedingly limited number of people. The figures also suggest, if they do not demonstrate, that the sheep are owned by wealthy corporations—not the humble farmer, not the shepherd who is struggling with adversity and contending with poverty. It is these vast corporations, owning vast herds, which they graze, I doubt not, largely upon the free public lands, that are here to-day clamoring that a tax be levied upon every rag which goes upon the back of an American citizen. They are demanding that this tribute be laid upon the industry of the land for their own particular emolument and profit.

If it is necessary to talk plain, I will talk plain. I even dare to talk for that miserable wretch who has the temerity to get himself elected to a seat in this Chamber and who does not have a vast sum of money at his back.

Mr. President, I say that here, just as in the Supreme Court of the United States; here as in the supreme courts of the various States; here as in the nisi prius courts of the land; here as in the little justice courts at country crossroads, with no light to guide save that of reason and conscience; here as in all tribunals where justice is dealt out with even hand; here, as there, when a man has a direct personal interest he ought, in all decency, in all good conscience, in all patriotism, to step aside and let those who do not have that interest settle the question in dispute.

I would not object to these interested Members' appearance before any committee, as interested parties, to present their case, although the propriety of such conduct may well be questioned, but I say we have the right to object to men sitting in this body and voting upon a question when they have a heavy financial interest to serve. Why, sir, if a man were to sit in any legislative body and take a thousand dollars for his vote, we would brand him a criminal; we would put stripes upon him and lock him in a prison cell for years of time. Because some Senators have come to this body and it has been alleged that they have offered or paid sums of money to secure votes, we solemnly investigate the question whether they shall be permitted to sit here. If it be proper to send a legislator to a prison cell because he takes a thousand dollars for his vote, will you draw me the line in the realm of conscience between the conduct of the legislator who sells his vote for money and the act of a man who sits here in the Senate and votes tens of thousands of dollars into his pockets by way of a tax levied upon those he has sworn to represent and protect?

The VICE PRESIDENT. The question is on agreeing to the report of the committee of conference.

Mr. LODGE. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. SMITH of Michigan. Before I vote I want to say a word.

Mr. President, I regard this bill as pregnant with danger to the wool and woolen industry, and I shall not vote for the conference report, and I will not permit to go unchallenged the statement made in this Chamber a few moments ago that the panic of 1893 to 1897 was not directly traceable to the legislation of the Democratic Party, which enacted the Wilson tariff bill, when, in the words of Samuel Gompers, president of the Federation of Labor, there were more than 3,000,000 working men without work in this country during the period of the Wilson law, and that their employments did not return until 1897, after the enactment of the Dingley tariff law, under the leadership of the great McKinley, whose loyalty to protection was so much derided by Senators on the other side of the Chamber.

To be more explicit, Mr. Gompers said:

> That terrible period for the wage earners of this country, which began in 1893 and which has left behind it such a record of horror, hunger, and misery, practically ended with the dawn of the year 1897.

Mr. President, Grover Cleveland was elected President in 1892, and tariff revision nostrums filled the air, doubt and hesitation halted enterprise, and industry languished, while the threats of free traders were taking form, and on August 27, 1894, the infamy was perpetrated and it was so bad that even President Cleveland spurned it, although he did not exercise the veto power, as he should have done, and thus saved the country from disaster and ruin; almost every actor in that drama was repudiated by the people, and it has taken our friends upon the other side 15 years to recover from that drubbing and get up enough courage to repeat their performance. They were wrong then and they are wrong now; and I shall resist their economic rioting at every stage. Protection for the woolgrower and no protection for his customer will destroy his home market and force him to sell his wool beyond the seas in competition with his old Australian and New Zealand competitor, whom he has not met since the shade was drawn over his gaunt figure a decade and a half ago. I can see neither wisdom nor justice in this bill, while its authorship is as confusing as its provisions are misleading and inharmonious. I shall take pleasure in voting against it.

The VICE PRESIDENT. The Secretary will call the roll on the question of agreeing to the conference report.

The Secretary proceeded to call the roll.

Mr. CLAPP (when Mr. BURTON'S name was called). The senior Senator from Ohio [Mr. BURTON] was called away. He is paired on this question with the junior Senator from North Dakota [Mr. GRONNA]. If the senior Senator from Ohio were present he would vote "nay," and the junior Senator from North Dakota would vote "yea."

Mr. FLETCHER (when Mr. BRYAN'S name was called). My colleague is necessarily absent on account of the death of his father. If present, he would vote "yea."

Mr. CLARK of Wyoming (when his name was called). I have a general pair with the senior Senator from Missouri [Mr. STONE], who is detained from the Chamber by illness. In the absence of that Senator I withhold my vote. If he were present and I were at liberty to vote, I should vote "nay."

Mr. LODGE (when Mr. CRANE'S name was called). My colleague [Mr. CRANE] is detained from the Chamber by illness. I understand he will be paired with the Senator from South Carolina [Mr. TILLMAN]. If my colleague were present, he would vote "nay."

Mr. BRADLEY (when the name of Mr. CURTIS was called). I have been requested to announce that the Senator from

Kansas [Mr. CURTIS] is necessarily absent. He is paired with the junior Senator from Nebraska [Mr. HITCHCOCK].

Mr. MYERS (when the name of Mr. DAVIS was called). I have been requested to announce that the Senator from Arkansas [Mr. DAVIS] is paired with the Senator from New Hampshire [Mr. GALLINGER]. If the Senator from Arkansas were present, he would vote "yea."

Mr. DILLINGHAM (when his name was called). I have a general pair with the senior Senator from South Carolina [Mr. TILLMAN], which I transfer to the junior Senator from Massachusetts [Mr. CRANE], and on this question I vote "nay."

Mr. BURNHAM (when Mr. GALLINGER's name was called). I wish to state that my colleague [Mr. GALLINGER] is necessarily absent. He has a general pair with the Senator from Arkansas [Mr. DAVIS]. If my colleague were present and voting, he would vote "nay."

Mr. CUMMINS (when Mr. KENYON's name was called). My colleague is necessarily absent from the Senate.

Mr. LODGE (when his name was called). I have a general pair with the junior Senator from New York [Mr. O'GORMAN]. I transfer the pair to the junior Senator from Illinois [Mr. LORIMER], and will vote. I vote "nay."

Mr. NELSON (when Mr. MCCUMBER's name was called). The Senator from North Dakota [Mr. MCCUMBER] is necessarily absent. If he were present, he would vote against this conference report. He is paired with the senior Senator from Mississippi [Mr. PERCY].

Mr. MCLEAN (when his name was called). I have a general pair with the junior Senator from Oklahoma [Mr. GORE]. If he were present, he would vote "yea" and I would vote "nay."

Mr. PERCY (when his name was called). I am paired with the senior Senator from North Dakota [Mr. MCCUMBER]. I transfer the pair to the junior Senator from Florida [Mr. BRYAN], and will vote. I vote "yea."

Mr. SMITH of Maryland (when Mr. RAYNER's name was called). My colleague [Mr. RAYNER] is paired with the Senator from Utah [Mr. SUTHERLAND]. If my colleague were present, he would vote "yea."

Mr. SMITH of South Carolina (when his name was called). I have a general pair with the junior Senator from Delaware [Mr. RICHARDSON]. If he were present, I should vote "yea."

Mr. SMOOT (when Mr. SUTHERLAND's name was called). My colleague [Mr. SUTHERLAND] is absent from the city. He has a general pair with the senior Senator from Maryland [Mr. RAYNER]. If my colleague were present, he would vote "nay."

The roll call was concluded.

Mr. BAILEY. My colleague [Mr. CULBERSON] is paired with the Senator from Delaware [Mr. DU PONT]. If my colleague were present and at liberty to vote, he would vote "yea."

Mr. REED. I desire to announce that my colleague [Mr. STONE] is detained at his residence by illness and is unable to be present. If he were present, he would vote "yea." He is paired with the Senator from Wyoming [Mr. CLARK].

The result was announced—yeas 38, nays 28, as follows:

YEAS—38.

Bacon	Cummins	Myers	Simmons
Bailey	Fletcher	Newlands	Smith, Md.
Bankhead	Foster	Overman	Swanson
Bristow	Johnson, Me.	Owen	Taylor
Brown	Johnston, Ala.	Paynter	Thornton
Chamberlain	Kern	Percy	Watson
Chilton	La Follette	Poindexter	Williams
Clapp	Lea	Pomerene	Works
Clarke, Ark	Martin, Va.	Reed	
Crawford	Martine, N. J.	Shively	

NAYS—28.

Borah	Dillingham	Lodge	Root
Bourne	Dixon	Nelson	Smith, Mich.
Bradley	Gamble	Nixon	Smoot
Brandegee	Guggenheim	Oliver	Stephenson
Briggs	Heyburn	Page	Townsend
Burnham	Jones	Penrose	Warren
Cullom	Lippitt	Perkins	Wetmore

NOT VOTING—23.

Bryan	Davis	Kenyon	Richardson
Burton	du Pont	Lorimer	Smith, S. C.
Clark, Wyo	Gallinger	McCumber	Stone
Crane	Gore	McLean	Sutherland
Culberson	Gronna	O'Gorman	Tillman
Curtis	Hitchcock	Rayner	

So the conference report was agreed to.

Mr. PENROSE. I move that the Senate adjourn.

The motion was agreed to, and (at 7 o'clock p. m.) the Senate adjourned until to-morrow, Wednesday, August 16, 1911, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

TUESDAY, *August 15, 1911.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Eternal God, our Heavenly Father, broaden, deepen, and make clearer in the minds and hearts of all men right and truth, justice and mercy, that where chaos reigns order may prevail, where lawlessness runs riot and turns men into fiends the strong arm of the law may assert itself, that the horrible spectacle of torturing and burning men at the stake in this twentieth century of Christian civilization may pass into oblivion. This we ask for humanity's sake, for Christ's sake, for God's sake. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bill and joint resolution of the following titles, in which the concurrence of the House of Representatives was requested:

S. 854. An act to require the National Monetary Commission to make final report on or before December 4, 1911, and to repeal sections 17, 18, and 19 of the act entitled "An act to amend the national banking laws," approved May 30, 1908, the repeal to take effect December 5, 1911; and

S. J. Res. 54. Joint resolution to reimburse the officers and employees of the Senate and the House of Representatives for mileage and expenses incident to the Sixty-second Congress.

The message also announced that the Senate had passed the following resolutions:

Resolved, That the Senate has heard with deep sensibility the announcement of the death of the Hon. HENRY CLAY LOUDENSLAGER, late a Representative from the State of New Jersey.

Resolved, That a committee of nine Senators be appointed by the Vice President to join the committee appointed on the part of the House of Representatives to take order for superintending the funeral of Mr. LOUDENSLAGER at Paulsboro, N. J.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives and to the family of the deceased.

Resolved, That as a further mark of respect to the memory of the deceased the Senate do now adjourn.

In compliance with the foregoing the Vice President appointed as said committee Mr. BRIGGS, Mr. MARTINE of New Jersey, Mr. BAILEY, Mr. CURTIS, Mr. BRANDEGEE, Mr. OLIVER, Mr. NIXON, Mr. WILLIAMS, and Mr. HITCHCOCK.

ENROLLED BILLS SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 6747. An act to reenact an act authorizing the construction of a bridge across St. Croix River, and to extend the time for commencing and completing the said structure; and

H. R. 11303. An act for the relief of Eliza Choteau Roscamp.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 2925. An act to extend the privileges of the act approved June 10, 1880, to the port of Brownsville, Tex.;

H. R. 11303. An act for the relief of Eliza Choteau Roscamp; and

H. R. 6747. An act to reenact an act authorizing the construction of a bridge across St. Croix River, and to extend the time for commencing and completing the said structure.

WITHDRAWAL OF PAPERS.

Mr. FAISON, by unanimous consent, was given leave to withdraw from the files of the House, without leaving copies, papers in the case of bill for the relief of Zadok Paris, no adverse report having been made thereon.

SENATE BILL AND JOINT RESOLUTION REFERRED.

Under clause 2, Rule XXIV, Senate bill and joint resolution were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 854. An act to require the National Monetary Commission to make final report on or before January 8, 1912, and to repeal sections 17, 18, and 19 of the act to amend the national banking laws, approved May 30, 1908, the repeal to take effect January 8, 1912; to the Committee on Banking and Currency.

S. J. Res. 54. Joint resolution to reimburse the officers and employees of the Senate and the House of Representatives for mileage and expenses incident to the first session of the Sixty-second Congress; to the Committee on Appropriations.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message, in writing, from the President of the United States was communicated to the House of Representatives, by Mr. Latta, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills and joint resolutions of the following titles:

August 8, 1911:

H. R. 2983. An act for the apportionment of Representatives in Congress among the several States under the Thirteenth Census; and

H. J. Res. 130. Joint resolution making appropriations for certain expenses of the Senate and House of Representatives incident to the first session of the Sixty-second Congress, and for other purposes.

August 14, 1911:

H. J. Res. 1. Joint resolution to amend certain appropriation acts approved March 4, 1911;

H. R. 7693. An act to authorize the town of Logan, Aitkin County, Minn., to construct a bridge across the Mississippi River in Aitkin County, Minn.;

H. R. 11022. An act to authorize the bridge directors of the Jefferson County bridge district to construct a bridge across the Arkansas River at Pine Bluff, Ark.; and

H. R. 12051. An act for the relief of the city of Crawford, in the State of Nebraska.

ARIZONA AND NEW MEXICO.

The SPEAKER laid before the House the following message from the President of the United States (H. Doc. No. 106), which was read:

To the House of Representatives:

I return herewith, without my approval, House joint resolution No. 14, "To admit the Territories of New Mexico and Arizona as States into the Union on an equal footing with the original States."

Congress, by an enabling act approved June 20, 1910, provided for the calling of a constitutional convention in each of these Territories, the submission of the constitution proposed by the convention to the electors of the Territory, the approval of the constitution by the President and Congress, the proclamation of the fact by the President, and the election of State officers. Both in Arizona and New Mexico conventions have been held, constitutions adopted and ratified by the people and submitted to the President and Congress. I have approved the constitution of New Mexico, and so did the House of Representatives of the Sixty-first Congress. The Senate, however, failed to take action upon it. I have not approved the Arizona constitution, nor have the two Houses of Congress, except as they have done so by the joint resolution under consideration. The resolution admits both Territories to statehood with their constitutions, on condition that at the time of the election of State officers New Mexico shall submit to its electors an amendment to its new constitution altering and modifying its provision for future amendments, and on the further condition that Arizona shall submit to its electors, at the time of the election of its State officers, a proposed amendment to its constitution by which judicial officers shall be excepted from the section permitting a recall of all elective officers.

If I sign this joint resolution, I do not see how I can escape responsibility for the judicial recall of the Arizona constitution. The joint resolution admits Arizona with the judical recall, but requires the submission of the question of its wisdom to the voters. In other words, the resolution approves the admission of Arizona with the judicial recall, unless the voters themselves repudiate it. Under the Arizona constitution all elective officers, and this includes county and State judges, six months after their election are subject to the recall. It is initiated by a petition signed by electors equal to 25 per cent of the total number of votes cast for all the candidates for the office at the previous general election. Within five days after the petition is filed the officer may resign. Whether he does or not, an election ensues in which his name, if he does not resign, is placed on the ballot with that of all other candidates. The petitioners may print on the official ballot 200 words showing their reasons for recalling the officer, and he is permitted to make defense in the same place in 200 words. If the incumbent receives the highest number of the votes, he continues in his office; if not, he is removed from office and is succeeded by the candidate who does receive the highest number.

This provision of the Arizona constitution, in its application to county and State judges, seems to me so pernicious in its effect, so destructive of independence in the judiciary, so likely to subject the rights of the individual to the possible tyranny of a popular majority, and, therefore, to be so injurious to the cause of free government, that I must disapprove a constitution containing it. I am not now engaged in performing the office given me in the enabling act already referred to, approved June 20, 1910, which was that of approving the constitutions ratified by the peoples of the Territories. It may be argued from the text of that act that in giving or withholding the approval under the act my only duty is to examine the proposed constitution, and if I find nothing in it inconsistent with the Federal Constitution, the principles of the Declaration of Independence, or the enabling act, to register my approval. But now I am discharging my constitutional function in respect to the enactment of laws, and my discretion is equal to that of the Houses of Congress. I must therefore withhold my approval from this resolution if in fact I do not approve it as a matter of governmental policy. Of course, a mere difference of opinion as to the wisdom of details in a State constitution ought not to lead me to set up my opinion against that of the people of the Territory. It is to be their government, and while the power of Congress to withhold or grant statehood is absolute, the people about to constitute a State should generally know better the kind of government and constitution suited to their needs than Congress or the Executive. But when such a constitution contains something so destructive of free government as the judicial recall, it should be disapproved.

A government is for the benefit of all the people. We believe that this benefit is best accomplished by popular government, because in the long run each class of individuals is apt to secure better provision for themselves through their own voice in government than through the altruistic interest of others, however intelligent or philanthropic. The wisdom of ages has taught that no government can exist except in accordance with laws and unless the people under it either obey the laws voluntarily or are made to obey them. In a popular government the laws are made by the people—not by all the people—but by those supposed and declared to be competent for the purpose, as males over 21 years of age, and not by all of these—but by a majority of them only. Now, as the government is for all the people, and is not solely for a majority of them, the majority in exercising control either directly or through its agents is bound to exercise the power for the benefit of the minority as well as the majority. But all have recognized that the majority of a people, unrestrained by law, when aroused and without the sobering effect of deliberation and discussion, may do injustice to the minority or to the individual when the selfish interest of the majority prompts. Hence arises the necessity for a constitution by which the will of the majority shall be permitted to guide the course of the government only under controlling checks that experience has shown to be necessary to secure for the minority its share of the benefit to the whole people that a popular government is established to bestow. A popular government is not a government of a majority, by a majority, for a majority of the people. It is a government of the whole people by a majority of the whole people under such rules and checks as will secure a wise, just, and beneficent government for all the people. It is said you can always trust the people to do justice. If that means all the people and they all agree, you can. But ordinarily they do not all agree, and the maxim is interpreted to mean that you can always trust a majority of the people. This is not invariably true; and every limitation imposed by the people upon the power of the majority in their constitutions is an admission that it is not always true. No honest, clear-headed man, however great a lover of popular government, can deny that the unbridled expression of the majority of a community converted hastily into law or action would sometimes make a government tyrannical and cruel. Constitutions are checks upon the hasty action of the majority. They are the self-imposed restraints of a whole people upon a majority of them to secure sober action and a respect for the rights of the minority, and of the individual in his relation to other individuals, and in his relation to the whole people in their character as a state or government.

The Constitution distributes the functions of government into three branches—the legislative, to make the laws; the executive, to execute them; and the judicial, to decide in cases arising before it the rights of the individual as between him and others and as between him and the Government. This division of government into three separate branches has always been regarded as a great security for the maintenance of free institutions, and the security is only firm and assured when the judi-

cial branch is independent and impartial. The executive and legislative branches are representative of the majority of the people which elected them in guiding the course of the Government within the limits of the Constitution. They must act for the whole people, of course; but they may properly follow, and usually ought to follow, the views of the majority which elected them in respect to the governmental policy best adapted to secure the welfare of the whole people. But the judicial branch of the Government is not representative of a majority of the people in any such sense, even if the mode of selecting judges is by popular election. In a proper sense, judges are servants of the people; that is, they are doing work which must be done for the Government and in the interest of all the people, but it is not work in the doing of which they are to follow the will of the majority except as that is embodied in statutes lawfully enacted according to constitutional limitations. They are not popular representatives. On the contrary, to fill their office properly they must be independent. They must decide every question which comes before them according to law and justice. If this question is between individuals, they will follow the statute, or the unwritten law if no statute applies, and they take the unwritten law growing out of tradition and custom from previous judicial decisions. If a statute or ordinance affecting a cause before them is not lawfully enacted, because it violates the constitution adopted by the people, then they must ignore the statute and decide the question as if the statute had never been passed. This power is a judicial power imposed by the people on the judges by the written constitution. In early days some argued that the obligations of the Constitution operated directly on the conscience of the legislature, and only in that manner, and that it was to be conclusively presumed that whatever was done by the legislature was constitutional. But such a view did not obtain with our hard-headed, courageous, and far-sighted statesmen and judges, and it was soon settled that it was the duty of judges in cases properly arising before them to apply the law and so to declare what was the law, and that if what purported to be statutory law was at variance with the fundamental law, i. e., the Constitution, the seeming statute was not law at all, was not binding on the courts, the individuals, or any branch of the Government, and that it was the duty of the judges so to decide. This power conferred on the judiciary in our form of government is unique in the history of governments, and its operation has attracted and deserved the admiration and commendation of the world. It gives to our judiciary a position higher, stronger, and more responsible than that of the judiciary of any other country, and more effectively secures adherence to the fundamental will of the people.

What I have said has been to little purpose if it has not shown that judges to fulfill their functions properly in our popular Government must be more independent than in any other form of government, and that need of independence is greatest where the individual is one litigant and the State, guided by the successful and governing majority, is the other. In order to maintain the rights of the minority and the individual and to preserve our constitutional balance, we must have judges with courage to decide against the majority when justice and law require.

By the recall in the Arizona constitution it is proposed to give to the majority power to remove arbitrarily, and without delay, any judge who may have the courage to render an unpopular decision. By the recall it is proposed to enable a minority of 25 per cent of the voters of the district or State, for no prescribed cause, after the judge has been in office six months, to submit the question of his retention in office to the electorate. The petitioning minority must say on the ballot what they can against him in 200 words, and he must defend as best he can in the same space. Other candidates are permitted to present themselves and have their names printed on the ballot, so that the recall is not based solely on the record or the acts of the judge, but also on the question whether some other and more popular candidate has been found to unseat him. Could there be a system more ingeniously devised to subject judges to momentary gusts of popular passion than this? We can not be blind to the fact that often an intelligent and respectable electorate may be so roused upon an issue that it will visit with condemnation the decision of a just judge, though exactly in accord with the law governing the case, merely because it affects unfavorably their contest. Controversies over elections, labor troubles, racial or religious issues, issues as to the construction or constitutionality of liquor laws, criminal trials of popular or unpopular defendants, the removal of county seats, suits by individuals to maintain their constitutional rights in obstruction of some popular improvement—these and many other cases could be cited in which a majority of a district electorate would be tempted by hasty anger to recall a conscientious judge if the opportunity were open all the time. No period of delay is interposed for the abatement of popular feeling. The recall is devised to encourage quick action and to lead the people to strike while the iron is hot. The judge is treated as the instrument and servant of a majority of the people and subject to their momentary will, not after a long term in which his qualities as a judge and his character as a man have been subjected to a test of all the varieties of judicial work and duty so as to furnish a proper means of measuring his fitness for continuance in another term. On the instant of an unpopular ruling, while the spirit of protest has not had time to cool, and even while an appeal may be pending from his ruling, in which he may be sustained, he is to be haled before the electorate as a tribunal, with no judicial hearing, evidence, or defense, and thrown out of office and disgraced for life because he has failed, in a single decision, it may be, to satisfy the popular demand. Think of the opportunity such a system would give to unscrupulous political bosses in control, as they have been in control not only of conventions but elections! Think of the enormous power for evil given to the sensational, muckraking portion of the press in rousing prejudice against a just judge by false charges and insinuations, the effect of which in the short period of an election by recall it would be impossible for him to meet and offset! Supporters of such a system seem to think that it will work only in the interest of the poor, the humble, the weak and the oppressed; that it will strike down only the judge who is supposed to favor corporations and be affected by the corrupting influence of the rich. Nothing could be further from the ultimate result. The motive it would offer to unscrupulous combinations to seek to control politics in order to control the judges is clear. Those would profit by the recall who have the best opportunity of rousing the majority of the people to action on a sudden impulse. Are they likely to be the wisest or the best people in a community? Do they not include those who have money enough to employ the firebrands and slanderers in a community and the stirrers-up of social hate? Would not self-respecting men well hesitate to accept judicial office with such a sword of Damocles hanging over them? What kind of judgments might those on the unpopular side expect from courts whose judges must make their decisions under such legalized terrorism? The character of the judges would deteriorate to that of trimmers and timeservers, and independent judicial action would be a thing of the past. As the possibilities of such a system pass in review, is it too much to characterize it as one which will destroy the judiciary, its standing, and its usefulness?

The argument has been made to justify the judicial recall that it is only carrying out the principle of the election of the judges by the people. The appointment by the executive is by the representative of the majority, and so far as future bias is concerned there is no great difference between the appointment and the election of judges. The independence of the judiciary is secured rather by a fixed term and fixed and irreducible salary. It is true that when the term of judges is for a limited number of years and reelection is necessary, it has been thought and charged sometimes that shortly before election in cases in which popular interest is excited, judges have leaned in their decisions toward the popular side.

As already pointed out, however, in the election of judges for a long and fixed term of years, the fear of popular prejudice as a motive for unjust decisions is minimized by the tenure on the one hand, while the opportunity which the people have calmly to consider the work of a judge for a full term of years in deciding as to his reelection generally insures from them a fair and reasonable consideration of his qualities as a judge. While, therefore, there have been elected judges who have bowed before unjust popular prejudice, or who have yielded to the power of political bosses in their decisions, I am convinced that these are exceptional, and that, on the whole, elected judges have made a great American judiciary. But the success of an elective judiciary certainly furnishes no reason for so changing the system as to take away the very safeguards which have made it successful.

Attempt is made to defend the principle of judicial recall by reference to States in which judges are said to have shown themselves to be under corrupt corporate influence and in which it is claimed that nothing but a desperate remedy will suffice. If the political control in such States is sufficiently wrested from corrupting corporations to permit the enactment of a radical constitutional amendment like that of judicial recall, it would seem possible to make provision in its stead for an effective remedy by impeachment in which the cumbrous features of the present remedy might be avoided, but the opportunity for judicial hearing and defense before an impartial tribunal might

be retained. Real reforms are not to be effected by patent short cuts or by abolishing those requirements which the experience of ages has shown to be essential in dealing justly with everyone. Such innovations are certain in the long run to plague the inventor or first user and will come readily to the hand of the enemies and corrupters of society after the passing of the just popular indignation that prompted their adoption.

Again, judicial recall is advocated on the ground that it will bring the judges more into sympathy with the popular will and the progress of ideas among the people. It is said that now judges are out of touch with the movement toward a wider democracy and a greater control of governmental agencies in the interest and for the benefit of the people. The righteous and just course for a judge to pursue is ordinarily fixed by statute or clear principles of law, and the cases in which his judgment may be affected by his political, economic, or social views are infrequent. But even in such cases judges are not removed from the people's influence. Surround the judiciary with all the safeguards possible, create judges by appointment, make their tenure for life, forbid diminution of salary during their term, and still it is impossible to prevent the influence of popular opinion from coloring judgments in the long run. Judges are men, intelligent, sympathetic men, patriotic men, and in those fields of the law in which the personal equation unavoidably plays a part, there will be found a response to sober popular opinion as it changes to meet the exigency of social, political, and economic changes. Indeed, this should be so. Individual instances of a hidebound and retrograde conservatism on the part of courts in decisions which turn on the individual economic or sociological views of the judges may be pointed out; but they are not many, and do not call for radical action. In treating of courts we are dealing with a human machine, liable, like all the inventions of man, to err, but we are dealing with a human institution that likens itself to a divine institution, because it seeks and preserves justice. It has been the corner stone of our gloriously free Government, in which the rights of the individual and of the minority have been preserved, while governmental action of the majority has lost nothing of beneficent progress, efficacy, and directness. This balance was planned in the Constitution by its framers, and has been maintained by our independent judiciary.

Precedents are cited from State constitutions said to be equivalent to a popular recall. In some, judges are removable by a vote of both houses of the legislature. This is a mere adoption of the English address of Parliament to the Crown for the removal of judges. It is similar to impeachment, in that a form of hearing is always granted. Such a provision forms no precedent for a popular recall without adequate hearing and defense, and with new candidates to contest the election.

It is said the recall will be rarely used. If so, it will be rarely needed. Then why adopt a system so full of danger? But it is a mistake to suppose that such a powerful lever for influencing judicial decisions and such an opportunity for vengeance because of adverse ones will be allowed to remain unused.

But it is said that the people of Arizona are to become an independent State when created, and even if we strike out judicial recall now, they can reincorporate it in their constitution after statehood.

To this I would answer that in dealing with the courts, which are the corner stone of good government, and in which not only the voters, but the nonvoters and nonresidents, have a deep interest as a security for their rights of life, liberty, and property, no matter what the future action of the State may be, it is necessary for the authority which is primarily responsible for its creation to assert in no doubtful tones the necessity for an independent and untrammeled judiciary.

WM. H. TAFT.

THE WHITE HOUSE, *August 15, 1911.*

Mr. FLOOD of Virginia. Mr. Speaker, I move that House joint resolution 14, together with the message of the President just read, be referred to the Committee on the Territories. In making this motion, Mr. Speaker, I can assure the House that the committee will proceed immediately to consider the resolution and the veto message and report back their conclusions without delay, in order that the Congress of the United States may have an opportunity to express its convictions upon the great questions involved in this resolution—greater questions, Mr. Speaker, than the question of whether or not Arizona shall be temporarily denied the right of incorporating the recall of judges in her constitution, if her people desire to place it there. Congress has expressed its conviction on the questions in this House by a vote of nearly 4 to 1, and the Senate by a vote of nearly 3 to 1.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. Is this motion debatable?

The SPEAKER. No; it is not, on the merits of the proposition. It is debatable when confined strictly to the question of reference to the committee.

Mr. FLOOD of Virginia. I was merely making a statement, I will say to the gentleman from Illinois.

Mr. MANN. I misunderstood the gentleman. [Laughter.]

The SPEAKER. The question is on the motion of the gentleman from Virginia to refer the House joint resolution 14, together with the message of the President, to the Committee on the Territories.

The question was taken, and the motion was agreed to.

QUESTION OF PERSONAL PRIVILEGE.

Mr. GRAHAM: Mr. Speaker, I rise to a question of personal privilege. Some weeks ago there was a good deal of newspaper and other public comment over the matter of the elimination by Executive order of some 12,800 acres of land from the Chugach National Forest on the shore of Controller Bay, in Alaska. On account of this comment the committee of which I have the honor to be chairman, the Committee on Investigation of Expenditures in the Interior Department, began an examination into the question. I do not at this time expect to discuss the merits of the Controller Bay matter, but I desire to have read a resolution which was offered in this House by the gentleman from Washington [Mr. HUMPHREY] on the 9th day of August and now before the Committee on Rules, which resolution I send to the Clerk's desk and ask to have read.

The Clerk read as follows:

House resolution 271.

Whereas by reason of Executive order 12,800 acres have been withdrawn from the Chugach National Forest Reserve of Alaska and restored to settlement, which matter is generally referred to and known as the Controller Bay withdrawal; and

Whereas it has been publicly charged that such withdrawal resulted in giving a private corporation a monopoly of the shipping facilities of said bay; and

Whereas charges have been made reflecting upon the official integrity of the President and the Secretary of the Interior and other public officials in connection with such withdrawal; and

Whereas the Committee on Expenditures in the Interior Department entered upon an investigation of the facts in relation to said matter; and

Whereas said committee has failed and refused to permit competent and material witnesses that have appeared before it to testify; and

Whereas said committee has abandoned such investigation; and

Whereas it is important that the facts in relation to said transaction be given to Congress: Therefore

Resolved, That the Committee on Expenditures in the Interior Department be, and it is hereby, discharged from further investigation of any facts relating to the withdrawal of 12,800 acres from the Chugach National Forest Reservation of Alaska, and to all matters in connection therewith; that a committee of five Members of this House be appointed by the Speaker to investigate all matters connected with said transaction, and to report their findings to the House, and that said committee commence immediately upon its appointment such investigation, and said committee shall have power to subpœna and compel the attendance of witnesses and to examine them under oath and to send for records, books, and papers, and all other evidence that may be necessary to make such investigation full and complete, and that the Speaker shall have authority to sign and the Clerk to attest subpœnas during the recess of Congress. Said committee shall have authority to sit during any recess of Congress.

Mr. GRAHAM. Mr. Speaker, using that resolution as a text, the Philadelphia Inquirer of August 11, 1911, published the following editorial, which I also send to the desk and ask to have read.

The Clerk read as follows:

[From the Philadelphia Inquirer, Aug. 11, 1911.]

GRAHAM COMMITTEE SHOULD BE DISCHARGED.

The resolution introduced into the House of Representatives by Mr. HUMPHREY of Washington that the Graham committee be discharged from any further consideration of the Controller Bay slander, is one which ought most emphatically to be adopted. This committee instituted an investigation of the charge that in withdrawing the shore front of Controller Bay from the Chugach Forest Reservation, President Taft had been influenced by improper motives—that is to say, by a desire to facilitate the acquisition by the Guggenheim-Morgan syndicate of a monopoly in transportation from the Alaskan coal beds to the coast. Its intervention was induced by the publication of an article in which was incorporated the now notorious "Dick-to-Dick" letter, and its purpose obviously was, if it possibly could, to convict the President of what at the best would have been a blazing indiscretion and at the worst an official malfeasance of a flagrantly glaring character.

Although the inquiries of the committee had not gone far before it perceived the expediency of enlarging the scope of its action, so as to get as far away as possible from the original indictment, there is no room for an intelligent doubt that it was the "Dick to Dick" letter which first attracted its attention and which constituted the gravamen of the charge which it had undertaken to sustain. The whole fabric of the imaginary scandal which it scented had this letter for its basis, and the committee was therefore bound by every consideration alike of reason and of right to make this letter the starting point of its inquiry. It was bound to direct the battery of its interrogation in this direction and to satisfy itself of the authenticity or otherwise of this amazing document, in which the President of the United States was inferentially accused of disloyalty to the people with the protection of whose interests he is charged and to the great office which he occupies.

It has persistently and significantly refused to seek this satisfaction. Soon after its sessions began Secretary Fisher, of the Department of

the Interior, was permitted at his own request to address it. He stated that no such writing as that described was to be found in his department and he urged the committee to call before it at an early date the person who alleged having seen and copied it there. But the committee replied that it intended to conduct the investigation in its own way, and that way was to steer off as far as possible from the line of inquiry suggested. It refused to put Miss Abbott on the stand or to call any witness who could testify upon this subject. Mr. Richard S. Ryan wanted to swear that he had never written the incriminating postscript attributed to him, but the committee would not hear him, and, after having helped by its activity to circulate an absolutely baseless scandal, it suddenly discontinued its hearings and adjourned till next October.

It was not willing that through its instrumentality the truth should be made known. It preferred, by inference, still to countenance the lie which it had hoped, but failed to substantiate. It has disgraced itself and discredited the party that it represented. It most surely ought to be discharged.

Mr. MANN. Mr. Speaker, I make the point of order that the gentleman has not stated a question of personal privilege as yet. If the gentleman desires time, I have not the slightest objection to his having time.

The SPEAKER. As there is some doubt about whether it is a question of privilege, and the Chair would have to examine very carefully what the Clerk has read, I suggest to the gentleman from Illinois that he ask leave to address the House.

Mr. GRAHAM. Mr. Speaker, I do ask unanimous consent to address the House on this subject.

Mr. MADDEN. Mr. Speaker, I object.

The SPEAKER. The gentleman from Illinois [Mr. MADDEN] objects.

Mr. MANN. Mr. Speaker, how much time does the gentleman want?

Mr. GRAHAM. Oh, an hour or less.

Mr. MANN. Then, Mr. Speaker, I ask unanimous consent that my colleague from Illinois shall be permitted to proceed for one hour. I suppose there will be no objection to some gentlemen on the other side having some time following.

Mr. GRAHAM. As far as I am concerned, none in the world.

The SPEAKER. The gentleman from Illinois [Mr. MANN] asks unanimous consent that his colleague [Mr. GRAHAM] may address the House for one hour.

Mr. MANN. And that I have an hour.

Mr. MADDEN. Mr. Speaker, I reserve the right to object unless some gentlemen on the other side have time in which to reply.

Mr. MANN. And that I may have control of one hour.

The SPEAKER. The gentleman amends the request by adding that he [Mr. MANN] have control of one hour. Is there objection?

Mr. CLARK of Florida. Mr. Speaker, reserving the right to object, I would like to ask if half an hour is not sufficient time on each side? I want to state to the gentleman that there is some business here to be transacted of some importance to some gentlemen——

Mr. MANN. The other day I asked that the gentleman from Florida have 50 minutes.

Mr. CLARK of Florida. I simply wanted to know if the gentleman could not get through in 30 minutes.

Mr. GRAHAM. I will get through as quickly as I can, but I doubt if I can in 30 minutes.

Mr. CLARK of Florida. Say three-quarters of an hour.

Mr. GRAHAM. Make it an hour. I do not know I shall use that much. I will get through as quickly as I can.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. GRAHAM. Mr. Speaker, in presenting this matter, and by asking unanimous consent, I do not wish to be understood as admitting that it does not involve a question of personal privilege, but it was not my purpose in rising to a question of personal privilege in any way to prevent gentlemen who differ from my view from having an opportunity to express their views. The resolution in question contains a series of whereases containing statements of fact, and the editorial accepts as facts the statement set forth in those whereases. Ordinarily I do not pay much attention to newspaper statements, and if none but myself were involved in this matter I would not pay any attention to it, but the statement made in the editorial and the statement of facts made in the resolution affect the whole committee, and that committee contains on it men of the highest honor and the highest patriotism, and I would be lacking in my duty to them as well as to myself if I did not call the attention of the House to these resolutions and the facts on which they rest. I call the attention of the House to the fact that of the seven whereases which precede the resolution five of them are entirely immaterial to this question.

The first, second, third, fourth, and seventh have really nothing to do with the matter set out in the resolution itself. They are entirely immaterial to it. The fifth says:

Whereas said committee has failed and refused to permit competent and material witnesses that have appeared before it to testify.

And the sixth says:

Whereas said committee has abandoned such investigation—

Those two whereases are the only ones that are material in the resolution, and both of them are untrue. [Applause on the Democratic side.] The resolution itself is exceedingly weak and crude. It calls for an appointment of a special committee of five, not one of the regular committees of the House, and yet there is in it no provision for expenses for that committee; there is in it no provision for a clerk; there is in it no provision for a stenographer; there is in it no provision for stenographers' fees; nor is there any provision in it for printing or preserving the evidence or even for reporting the evidence to this House. It only provides that the committee shall report conclusions to the House.

The resolution provides that it shall commence work immediately, but there is not a word in it anywhere as to either the prosecution or conclusion of the work. Our committee has already begun the very work that it calls for a special committee to do. It has begun hearings on this subject, and while there seems to be complaint that the matter has not been pushed rapidly, there is not a word in the resolution providing for a rapid hearing or a pushing of this case to a conclusion by the special committee. But I do not care to dwell upon the imperfections of the resolution and the whereases. They could be strengthened; they could be corrected by amendment. The language to which I desire to call attention is the milk in the coconut, the fifth and sixth whereases, both of which I assert are without foundation and fact.

They contain averments which reflect seriously upon this committee. The fifth whereas says that the committee has failed or refused to permit competent and material witnesses that have appeared before the committee to testify. The sixth says it has abandoned the investigation.

In making allegations of so serious a character, of course it goes without saying that the burden of proving those allegations rests on those who make them, and they would have to carry the laboring oar in this regard. But I am willing to waive that, Mr. Speaker, and I think I can convince this House, I am sure I can convince reasonable men in this House—and I am bound to assume that they are all reasonable men—and show them from the record that these averments are not true. Has the committee failed and refused to permit competent and material witnesses that have appeared before it to testify? What are the facts in that regard? The facts, Mr. Speaker, are that the committee began hearings on this question, that some witnesses were called before it, and some witnesses were heard; that then gentlemen, not of the committee, appeared before the committee and undertook to outline the order in which evidence should be produced before the committee. The committee did not see the matter that way. It thought that it should determine the order in which witnesses should appear and testify, and insisted on its right in that regard. But that did not satisfy, and now we are told in the resolution that the action of the committee in insisting that it had the right to determine the order in which witnesses would appear amounted to a refusal to hear those witnesses.

It strikes me, Mr. Speaker, that that is a most singular conclusion to come to, and I repeat here that the record will show that the committee never for a moment considered the question of abandoning this investigation or of preventing any witness who knew any facts material to the matter to testify when the time came for him to do so. A number of witnesses were subpœnaed. They appeared before the committee. The Secretary of the Interior, Mr. Fisher, made the statement to the committee that certain persons who might have knowledge on some matters connected with this investigation were about to quit the employment of the Government. He gave their names, and they were subpœnaed, and they are now under subpœna and under the control of the committee. It was suggested they might get beyond the control of the committee and then the committee would not have the power to produce them to get their evidence. To obviate that very condition subpœnas were issued and were served on every one of them, and every one of them has been subpœnaed and is now under control, and when the proper time comes will be called upon to testify before the committee. And yet it is on that situation that the charge is made in this resolution that the committee failed or refused to permit competent and material witnesses that appeared before it to testify. They were brought before it at that time, not to give their testimony then, but to be under discipline.

Mr. Speaker, some fault has been found with the committee in that it did not proceed rapidly enough. The chairman of the committee, speaking for himself—and I think he voices the sentiments of at least a majority of the committee—is clearly of the opinion that haste is not the only thing desirable in an investigation which is to be a real investigation. Indeed, the chairman is of the opinion that haste is the worst policy that the committee could adopt; that, on the contrary, it had better proceed slowly, surely, and carefully if it is to develop the real facts. It so happens that of the majority of the committee none has had experience in matters of this sort, or, if any, but very little. It involves a knowledge of public-land laws, a very intricate subject and a very, very large field. Now, under those facts and conditions the committee are more than certain that they ought not to make go too rapidly; that it is wiser to proceed slowly. It is somewhat like a man dropped in a morass in a neighborhood where he is entirely unacquainted and which abounds in pitfalls and quicksands. What should he do? Should he rush around with extreme haste?

Would not those who advise such a course be liable to the accusation that they desired failure, and that they might reasonably expect misfortune to befall him; that he would surely get into a quicksand or a pitfall? I did not say—I do not even intimate—that the gentlemen who are so anxious to hasten this proceeding would have it so in this case. But any disinterested person, stopping even a moment to think about it, must see that a committee constituted as ours is had better make haste slowly if it is to get all the facts.

Now, let us examine, if you please, some of the reasons given why great haste should be made, and see whether they are sound or not. One of them is that some of the witnesses, as I have stated, who are in the Government service have left that service and might get out of the reach of subpœna. The Secretary of the Interior appeared before the committee and made such a statement as that, as did also one of my colleagues on the committee, the gentleman from North Dakota [Mr. HANNA], and as did also the gentleman from South Dakota [Mr. BURKE], a member of the committee; but I have no hesitation in saying, as I have already said, that not one of those witnesses will escape testifying. Subpœnas were issued promptly for every one of them as soon as their names were suggested, and every one of them is now under subpœna, awaiting the desire of the committee in the giving of his testimony.

It is true some of those witnesses appeared in the committee room and were not called on to testify. Quite so; but I have just given the reason for that. They were not subpœnaed because they were expected to testify at that time, but they were subpœnaed in order to have them under control, so that they could be used when the committee in the order of its procedure reached them, and not before.

Mr. BURKE of South Dakota. Mr. Speaker, does the gentleman yield for a question?

The SPEAKER. Does the gentleman from Illinois yield to the gentleman from South Dakota?

Mr. GRAHAM. What is the question?

Mr. BURKE of South Dakota. I desire to ask, Mr. Speaker, since the gentleman is speaking for the committee—and I am quite in sympathy with his desire to defend the committee against any improper charge—I would like to ask the gentleman whether or not the committee as a committee did any of the things that the gentleman has been describing, or whether or not——

Mr. GRAHAM. The gentleman should be more specific. I do not understand.

Mr. BURKE of South Dakota. Or whether or not some member of the committee or a minority of the committee may have elected not to do certain things.

Mr. GRAHAM. The gentleman speaks in riddles. I do not understand, and therefore I can not answer. Gentlemen on the other side will have time and can state their case in their own way, and if I go wrong gentlemen can correct me.

Mr. BURKE of South Dakota. Mr. Speaker, do I understand that——

The SPEAKER. Does the gentleman yield?

Mr. GRAHAM. I do.

Mr. BURKE of South Dakota. Do I understand that my colleague is unable to answer my question because I speak in riddles? Is that what I understand the chairman to say? If that is the case, I would like to ask my colleague upon the committee if he will produce a record of the committee sustaining the circumstances that he has been relating.

Mr. GRAHAM. The gentleman will produce the records of the committee as he goes on in the order in which he hopes to take them up, and if, when he has concluded, the particular record which the gentleman from South Dakota has in mind has not been referred to, the gentleman who has the floor will be glad indeed if he can satisfy his friend from South Dakota.

The second reason given why the committee should be discharged, or, rather, the complaint made against it, is that the investigation might discover unfaithful employees in the Interior Department. Mr. Speaker, I think there is no merit whatever in that suggestion. It was advocated in the committee by the gentleman who has just taken his seat [Mr. BURKE of South Dakota]. It was advanced by the Secretary of the Interior also. But, in my judgment, it is not entitled to any consideration. The Interior Department is furnished with an army of special agents and with large funds to pay those special agents for making investigations of every character, and if there were employees in that department who were unfaithful or dishonest, it certainly is not the function of a committee of this House to do for the Interior Department the work that it has men specially employed to do, and the committee declined to act upon that suggestion.

It was then urged by my friend the gentleman from South Dakota that the investigation should be pushed at once for the vindication of a young lady whose name has been mixed up in this matter, known as Miss Abbott. Now, it was extremely touching to witness the solicitude of the gentleman from South Dakota to have Miss Abbott vindicated, but it has not appeared up to date that he had any brief to undertake her defense, if she needed any, or see that she was vindicated, and the committee, in its cold-blooded fashion, was no more anxious to vindicate Miss Abbott than it was to vindicate the administration. It was only determined to go on in an orderly way and do justice to all the parties, and to see that the Congress and the people of this country knew the facts.

Mr. BURKE of South Dakota. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore (Mr. BARTLETT). Does the gentleman from Illinois yield?

Mr. GRAHAM. Yes; I yield.

Mr. BURKE of South Dakota. I wish to say to the gentleman that I do not desire to take his time, and if I interrupt him too much I shall not think it his fault if he objects. Now, I would like to ask the gentleman whether or not the committee took any action whatever relative to any effort that may have been made by any member of the committee looking to a speedy investigation of this matter? And, if they did, I would like to ask the gentleman to produce the record of such a meeting of the committee.

Mr. GRAHAM. Mr. Speaker, in the statement which I expected to make here it would seem as if the topic sprung by the gentleman from South Dakota would constitute a necessary element, and it does seem to me that sometimes gentlemen are exceedingly impatient when some other gentleman has the floor by insisting that he shall make his speech in the order in which they think he ought to make it, rather than in the order in which he thinks he ought to make it. I hope, in the orderly discussion of the subject, the topic mentioned by the gentleman from South Dakota will be reached, and I submit to him now that it is scarcely fair to take my time in that way. When I have finished, if I have left untouched anything that he thinks I ought to have discussed, I shall be glad to give it my attention. [Applause on the Democratic side.] In the meantime, if I were disposed to be captious, I might almost say that the gentleman wanted to consume my time. [Applause on the Democratic side.]

Now, Mr. Speaker, I wanted to call the attention of the House to the conditions which surrounded our committee before this matter came to our attention. We had some matters under investigation. One of them was an investigation of the Indian reservations in the Territory of Arizona. We had given it a good deal of time, but it was not finished. We had a number of witnesses here who were here at the expense of the Government. We were anxious that they should be relieved from attendance on the committee and the Government relieved of the expense. Then later, at the suggestion of the Department of Justice—indeed, at its urgent solicitation—the committee went into an investigation of the White Earth Indian Reservation, in the State of Minnesota. The committee had yet other matters going along collaterally with this one, and the committee was not in a condition to give this matter their entire time, even if they thought it wise to do it; and the chairman of the committee did not think it wise to do so. He did not think it wise to rush the matter at that time, for the reasons already suggested and also for other reasons.

In addition to the two reasons I have given for proceeding somewhat slowly, namely, the two Indian-reservation investigations which were going on, there was yet another reason, stronger than any of those, and that reason, the most important of all, was that the documents which our committee must have

in order to make any intelligent progress in this investigation were not then accessible.

About the time the matter was begun Senator POINDEXTER, of Washington, introduced a resolution in the Senate calling for the documents, papers, and correspondence in this very matter. That resolution was acted upon by the Senate, and a demand made upon the President and all the departments involved to send to the Senate such documents as pertained to this subject matter.

When that matter came before our committee the Secretary of the Interior, in the statement he made to the committee said, referring to this matter—and I read from page 32 of our hearings:

Referring to the so-called "Dick-to-Dick" letter the Secretary said:

That seems to me a very serious matter, and it seems to me it has a direct relation to the prime functions of this committee in relation to the investigation of the expenditures in the Interior Department. If we have men connected with the department who for any reason would be parties to the destruction or elimination of any documents contained in the records of the department, it seems to me that is a matter that should be at once inquired into. I think—although I may be mistaken—that there is a provision in the statutes on the subject; but at any rate such a suggestion affects the efficiency of my office. It was not because of any desire to interfere with the general line of the investigation that I make this suggestion, but I do suggest that at your earliest convenience, and as soon as you do think it is proper in your investigation, you have Miss Abbott's account of the thing and such evidence as will enable us to ascertain, if we can, whether there was such a paper, and, if so, where it was and who had it when it was in existence, so we can determine the time about when it must have disappeared and ascertain exactly who had access to those papers and find out what has become of it if it ever did exist.

The CHAIRMAN. We hope to reach that, Mr. Secretary, and I take pleasure in saying to you that if, as we go along, any point develops which we think would better enable you to conserve the public interests the committee will take pleasure in informing you of it.

Mr. HANNA. It was suggested by the Secretary that some of these men, who have been employees in the department, have resigned, and that others might leave, and so on. As I understand, the men are all interested who were there at the time this matter was up in the Department of the Interior?

Every one of the witnesses suggested was subpœnaed and will be called to testify in proper order.

That statement of the Secretary of the Interior, Mr. Fisher, refers to having Miss Abbott go on the witness stand then. The chairman thought her evidence did not fit at that time; that no foundation had been made upon which it would rest, and that it would put the evidence before the committee which had to study it and report upon it in the haphazard fashion of a crazy quilt rather than in an orderly and logical way.

With reference to the point I was just urging, that the documents from the Interior Department, the War Department, and the Department of Agriculture were then in use, in the preparation of the Senate document, the Secretary made the following statement, which will be found on page 26 of the hearing. There are some words in the text from which I read, which appear there because of interruptions, and which break into the continuity of thought.

I am going to leave them out as I read, and any gentleman having the record before him can follow me. Referring to these documents, Secretary Fisher said:

As you doubtless know, the Senate, on the motion of Senator POINDEXTER, has recently passed a resolution calling on the President for all of the documents relating to this matter, whether they appear in the Interior Department, the War Department, or the Department of Agriculture, and those papers are in course of preparation. I understand that everything that relates to the matter will be transmitted to the Senate at once, and it will be, of course, published as a public document when it can be made available for the committee. The reason I am interested in that phase of the matter is that Mr. Dennett, who was before you day before yesterday, called my attention to the request of the committee for copies of all of these same documents, so far as they exist in the Interior Department. Now, we have prepared and have now nearly completed a transcript of all the records in the Interior Department for transmission to the President, to be by him sent to the Senate, and Mr. Dennett wanted to know whether or not he should be instructed to duplicate that work or whether the committee would prefer to wait until the entire matter went into the Senate?

* * * * * * *

Of course, that will take a little time. Mr. Dennett's suggestion to me was that if the material went in promptly to the Senate it would probably be available in that form as promptly as we could duplicate it, but if the committee desires it we will put extra clerks at work on it and get you the information. I am here to offer my cooperation to this committee absolutely without limit and without the slightest desire to protect anybody or anything, and in the hope that the matter will be given instant attention for the purpose of getting at the entire facts.

What should the committee do in that case? What was there for them to do but to wait until that Senate document was printed?

Since that time we have been waiting, and the Senate document has not yet appeared. Last week I made three trips to the Senate to find out what I could about it. I think it was on Thursday last, or possibly Friday, I wrote to the Secretary of the Senate, and I also wrote to the Printing Office, to know when we might hope to get copies of it.

But no copy has reached me, although the gentleman from South Dakota [Mr. BURKE] informed us that he had seen it in print some days prior to last Thursday. I do not know why this is so. I do not know why he should have an opportunity to see these documents so necessary to our work, without which we can make no real progress, when we would not get to see it. It seems to me that this points to an additional reason, and a very strong one, why we should make haste slowly in this matter.

In addition to his statement before the committee, Mr. Fisher, the Secretary of the Interior, wrote to me on July 25, 1911, as follows:

In reply to your letter of July 24, permit me to say that it is my understanding that the President is sending to the Senate a message transmitting the papers and documents to which you refer, as well as the records of other departments concerned in the Controller Bay matter. The message itself is printed, but I do not understand that the records accompanying it have been put into type. They are quite voluminous and I assume will be printed by the Senate as an official document.

I feel quite sure that you will find in these records all that you desire in the way of documents from this department, but if upon further examination you find anything additional which you wish to obtain it will be gladly furnished if possible. I shall ask the President to send to your committee a dozen copies of the printed message.

Copies of the printed message were sent to the committee room when they were sent to the Senate and the House. But that message gave us no light whatever. It gave us no correspondence, it gave us no maps, it gave us no information so far as documents and correspondence were concerned, and so, as Secretary Fisher had said, the very information the committee must have to make any intelligent progress has been kept from it to this day, and it has not had it even yet. [Applause on the Democratic side.] And now gentlemen say that the committee should be discharged because it has not proceeded with sufficient haste, when it can not proceed without the very evidence that seems to be withheld from us, but which is furnished to the minority members of the committee.

After learning from the gentleman from South Dakota on the 10th that he had seen a copy of this Senate document in print some days before, I wrote to the Secretary of the Senate, asking him to furnish me a copy as soon as he conveniently could. Next day I received this letter from him:

UNITED STATES SENATE,
OFFICE OF THE SECRETARY,
August 11, 1911.

Hon. JAMES M. GRAHAM,
Chairman Committee on Expenditures in the Interior Department, House of Representatives.

DEAR MR. CHAIRMAN: I have your letter of yesterday requesting that you be furnished at the earliest convenience with copy of the message of the President of July 26, 1911, transmitting information relative to the withdrawal of certain lands in the Chugach Forest Reserve.

The Printer reports that the proof of this document is at the department for revision and reading; that the work is being hurried as much as possible, and that the completed work ought to be available within 1 week or 10 days. It is understood that certain maps and illustrations ordered to be printed as accompaniments are in work at this time, but that their completion will delay the final publication of the document.

It will give me much pleasure to supply you with copy of the document at the earliest possible day.

Very truly, yours, CHARLES G. BENNETT.

I also sent a copy of the same letter to Mr. Donnelly, printer expert. I have not heard from him yet, and I have not seen a copy of this Senate document yet, until I saw this moment the copy exhibited by the gentleman from South Dakota [Mr. BURKE]. I refuse to believe that the Secretary of the Senate or the printer expert have of their own motion withheld this document from the majority of the committee while furnishing it to the minority of the committee.

What will honest men, who believe in a square deal, think of such methods?

Secretary Fisher said—and everyone agrees with him—that the committee should have the printed Senate document to proceed intelligently.

The gentlemen who urge haste have had that document and they know we have not got it, and now they make a howl about delay. O ye hypocrites!

Mr. MONDELL. Will the gentleman yield?

Mr. GRAHAM. No; I have used considerable of my time, and I desire to reserve some of it for reply.

The SPEAKER pro tempore. The gentleman declines to yield.

Mr. GRAHAM. Now, Mr. Speaker, since this episode occurred our committee has been holding sessions from time to time. We have been acting under the strain and stress which all the Members of Congress have been in not knowing when the adjournment would occur. We could not proceed by bringing witnesses from a distance, by keeping them here on expense, without some knowledge as to how long Congress might be here.

It was the sense of the committee that when Congress should adjourn the committee should also adjourn, to convene during vacation at an opportune time. The committee has taken action, and has decided that the chairman should call the committee together during the vacation. The sense of the committee as expressed in its action was that the call should be made some time about the 1st of November. The action taken does not bind the chairman. The committee adjourned to meet at the call of the Chair, and the Chair has discretion in that regard, and while the committee expressed its sense, as I have stated, to meet about the 1st of November, if any exigency should arise to make it desirable to meet earlier, the chairman has the power to call it together earlier.

The chairman of the committee says now, as he has said in open committee and elsewhere repeatedly, that this investigation is not abandoned, that there never was any thought on the part of the committee to abandon it. The committee insists and the chairman insists that the investigation shall be orderly, that it shall be thorough, and that some time shall be taken in advance by members of the committee who are not familiar with the documents in the department, who have no clerks at their disposal who are familiar with the documents, who were present at the making of them or the receipt of them in the department and know them as we know the alphabet, and who are not interested, and—I say it with all due respect—not interested in bringing all the evidence before the committee. The committee needs to proceed carefully and it will proceed carefully, and it hopes to let the light shine on every crevice of this matter. It hopes to give Congress and the country all the facts concerning it. It does seem a little strange to the committee that this Executive order, dated October 28, should enable a man away out on Controller Bay to have a survey made and make locations on three different quarter sections on the fourth day after the Executive order was signed at Washington. There is in it matter worthy of investigation, but an investigation made in haste by a committee unfamiliar with the facts and the environments would be no investigation at all, and it seems to me, Mr. Speaker, that the administration itself and those who stand with it should want this investigation made under circumstances which would be entirely free from suspicion, free from undue haste, free from inadequacy or defect of any sort. [Applause on the Democratic side.]

Mr. MONDELL. Will the gentleman yield?

Mr. GRAHAM. State your question.

Mr. MONDELL I desire to ask the gentleman if, before he concludes his remarks, he intends to state the efforts that the minority Members made to have the investigation continued?

Mr. GRAHAM. The minority Members have time at their disposal, and I suppose they will state such facts as they desire to state. I shall reserve some of my time to reply to those statements.

Mr. KAHN. Mr. Speaker——

The SPEAKER pro tempore. Does the gentleman yield?

Mr. GRAHAM. Not now. There is but one other point to which I want to refer at this time, and that is the reason put forth to the effect that the administration has been assailed through the newspapers in this matter, and that it is due to the administration that the matter be investigated as promptly as possible. With that I entirely agree. I say that it should be investigated as promptly and as thoroughly as possible—as promptly as a thorough investigation will permit. I take it that the administration has not suffered any in this regard. It is claimed that the administration was assailed through the newspapers by the publication of what has been called the "Dick-to-Dick" letter.

But the President of the United States has made this matter the subject of a message of 23 printed pages. In that message he has given his view with great elaborateness. It has gone to the country very, very generously. It has been published everywhere. I do not assert it as a fact, for I have not personal knowledge of it, but I have fairly good information, enough to justify me in saying that this message or the substance of it has been reduced to plate matter, and that those plates have been sent to the country press of the United States at a cost which is practically nothing. In addition to that, I have information which I deem reliable that a number of Government clerks who are being paid by the Government for doing other work have been employed continuously in mailing these messages of the President to the people of the United States. Therefore I think it fair to assume that the reason given, namely, that the administration and the President should be vindicated loses most of its force in view of those conditions. Wherever the statement went, I take it the contradiction has followed. Those who saw the accusation have doubtless seen the defense. Indeed, I may say, I think, without going outside the limits of the reasonable, that the defense, the message of the President, has reached many, many persons and many places where the charge itself has never been either seen or heard; hence that as a reason for undue haste falls to the ground with the others.

Mr. Speaker, that is all I desire to say at this time, and I reserve the balance of my time.

Mr. KAHN. Mr. Speaker, will the gentleman yield to me for a question purely for information?

Mr. GRAHAM. Perhaps the gentlemen on the other side will be able to answer the gentleman from California out of their time.

Mr. KAHN. I doubt whether anybody but the chairman of the committee could.

The SPEAKER pro tempore. Does the gentleman yield?

Mr. GRAHAM. Not at this time. I do not care to consume any more of my time.

The SPEAKER pro tempore. The gentleman declines to yield and reserves the balance of his time. The gentleman has 20 minutes remaining.

Mr. MANN. Mr. Speaker, I yield 30 minutes to the gentleman from Washington [Mr. HUMPHREY].

Mr. HUMPHREY of Washington. Mr. Speaker, I have listened with a great deal of interest and pleasure to the gentleman's apology for the action of the committee. I had hoped that before he sat down he would make some explanation or give some reason for its action. In the first place, the gentleman starts out and criticizes the wording of the resolution. I admit that the criticism is just. I dictated the whereases of that resolution to my secretary, and then told her to use resolution No. 103, the resolution under which this committee has assumed to act, for the rest of it, and, of course, I made a mistake when I followed that Democratic resolution. [Applause on the Republican side.]

The gentleman's apology for the committee not proceeding is because, as he says, there are certain papers that the President has sent to the Printing Office, and that he is waiting for copies of them. The original papers in that matter were within the reach of this committee at any time they desired to use them.

I have been informed that this committee has not met since the 21st of last month to consider this particular question. I have also been informed that before this committee has appeared the Secretary of the Interior. I have the hearings here which show that that is true, and that he asked permission to testify. I am also informed that Ashmun Brown was before that committee; that Don M. Carr was before that committee; and that Delegate WICKERSHAM, from Alaska, was before that committee; that Mr. Ryan, the supposed writer of the notorious postscript, was before that committee; and that Miss Abbott was before that committee, and has been several times since. It was upon noting these facts that I introduced this resolution. I want to thank the distinguished chairman of the committee for the opportunity that he has given me to speak on this resolution. It is not necessary to say that as far as the gentlemen who comprise that committee are concerned I have the highest regard for their integrity in every respect, and anything I may say does not reflect upon them personally in the least. I had long given up hope of ever being able to speak upon this resolution, but since it is brought before the House I take pleasure in stating now some of the reasons why I introduced it, and some of the reasons why I think it ought to be passed.

Mr. OLMSTED. Mr. Speaker, may I ask the gentleman a question? He stated that certain witnesses were before the committee. Were they permitted to testify?

Mr. HUMPHREY of Washington. They did not testify. I will not use that expression, that they were not "permitted" to testify.

The whole Pacific coast, and especially the State of Washington, is vitally interested in the development of Alaska. To a great extent the prosperity of the Pacific coast depends upon the future of Alaska. We are more interested in the development of Alaska than in any other portion of the country, and we are more interested in knowing if there is any foundation for the hysterical claims by certain so-called conservationists that Alaska is likely to pass into the control of great corporations. It has recently been charged through the public press and given wide publicity that Controller Bay is one of the keys to the future transportation of Alaska, and that this bay, by the act of the Interior Department and the President, had been turned over to a private corporation and such privileges granted to it as to permit it to have a complete monopoly upon said bay; that by this act the rights of the people have been disregarded and the future development of Alaska threatened.

It has been directly charged that the President of the United States, at the instigation of his brother and with full knowl-

edge of the situation, in order to help certain private interests, secretly made an order setting forth certain lands for the express purpose of giving what is known as the Morgan-Guggenheim syndicate a monopoly and control of this bay.

The whole country is familiar with these charges. The President was directly assailed. He was accused of improper and dishonest motives. The Committee on the Expenditures in the Interior Department, by virtue of House resolution No. 103, assumed jurisdiction and authority to investigate these charges. This committee, with much blare of political trumpets, with hysterical publicity and glaring headlines in the saffron-hued uplift press, started to investigate these matters and to give the truth to the public. It no longer holds meetings. The headline had disappeared in the sensational press. Suddenly "the shouting and the tumult ceases." And this committee begins to look for excuses to postpone and delay, and are now using every endeavor, if I am correctly informed, to prevent further hearings. What is the matter? The witnesses were before this committee. Why were they not examined?

The Secretary of the Interior asked that Miss Abbott be placed upon the witness stand. Why was it not done? What has caused this sudden change of attitude? What has come over the spirit of the dreams of these enthusiastic investigators? What has so suddenly happened to cool their patriotic ardor? What is the reason that this committee does not want to hear the evidence? Does it want to give the truth to the country?

By their action they have helped to give wide publicity and attention to a most scandalous and scurrilous attack upon the President. Is it possible that they are now willing by their action to protect those who are responsible for these charges? Do they wish by their inaction to protect those who by forgery and villification assassinate the character of public men? Delay can benefit only those who have something to conceal. No honest man can object to the immediate and complete truth being made public. [Applause on the Republican side.] To delay without cause this investigation can not be in the interest of honesty. Again I ask, What is the matter that no further proceedings are being taken? Are the tracks of villification and slander leading in the wrong direction? [Applause on the Republican side.] What has happened that the truth is no longer desirable to those who are so eager to investigate these irresponsible charges? Is the famous and infamous "Dick-to-Dick" letter an ordinary and stupid forgery, misshapen and untimely born of the distorted and distempered imagination of an irresponsible, hysterical, petticoated muckraker, or was she only the unsuspecting and innocent tool of designing enemies of the President who were too cowardly to strike except from the dark and from behind. [Applause on the Republican side.]

Mr. SHARP. Will the gentleman yield for a question?

Mr. HUMPHREY of Washington. I do not wish to yield now; I may have time later.

The SPEAKER pro tempore. The gentleman declines to yield.

Mr. HUMPHREY of Washington. This is a question that this committee can settle very quickly. This is the question in which the people are interested. This is the question: If the President is guilty of the things directly charged in that letter, which no person in the United States believes, then he is unworthy of his great office. The people of the country are entitled to know upon what ground such charges are based. It will not do to say that these charges made are immaterial now after the committee has given them sufficient weight to start upon an investigation. If the committee takes this position, that this letter was an infamous forgery, then why do they not inquire into who was guilty of such criminal methods to traduce the President and to cast a shadow over his great reputation?

The pretended discoverer of this letter was before the committee, and Secretary Fisher asked that she be placed upon the witness stand and compelled to give the truth in relation to the transaction. She has visited the committee since. Why was this not done? What excuse can the committee give for its failure to place this witness on the stand and submit her to cross-examination? Why is not the truth in relation to this letter given to the public now? It is due not only to the country and to the President and to other public men involved that this should be done, but if she be honest, and it is to be presumed that she is, it is due to the woman herself. Where did this woman first get this letter? Who first told her about it? Where is it now? Who has seen it? If it is a forgery, did she do it herself, or was it inspired by some one else? It does not take any maps to place this witness on the witness stand to answer questions. No documents are necessary for the committee in order to ask her in regard to this letter. Again I ask, Why did not the committee place this witness on the stand and let the country know the truth?

That this letter is a forgery no one doubts. What object can there be in keeping from the public all the facts concerning it? Certainly it can not be that the committee fears that some "higher up" may become involved in the transaction, or that some political conspiracy may be revealed to discredit the President.

As the country is at a loss to understand why this, the only witness, so far as known, that ever saw this letter is not compelled to testify, it is also at a loss to understand why the committee refuses to hear Mr. Ashmund Brown, former secretary of Secretary Ballinger and of Secretary Fisher. Why was he not permitted to tell his story? Why is it that Mr. Don M. Carr, formerly connected with the department, was not placed upon the witness stand?

Why was not Mr. Ryan, reputed author of this letter, compelled to give his side of the controversy to the committee?

It is well known that all these gentlemen are soon to go to the Pacific coast.

Was it the hope of the committee that something might transpire before next October that would cause the testimony of these witnesses to be unavailable?

Was it the hope of the committee that by waiting until next October something might prevent these witnesses from again appearing before the committee?

Why was it that Delegate Wickersham was not placed upon the witness stand and given an opportunity to tell what he knew about the transaction? He claimed to have very important information bearing upon the question. Why is it that he was permitted to leave for Alaska without an opportunity to give to the public his statement?

Mr. GARDNER of Massachusetts. Will the gentleman yield for a moment?

Mr. HUMPHREY of Washington. No; yes, I will.

Mr. GARDNER of Massachusetts. The gentleman heard the chairman of the committee say that this was not the orderly time for an investigation of that evidence. Now, let me ask the gentleman whether, in his opinion, if the forthcoming evidence had been against the President of the United States this orderly method of procedure would have still been maintained?

Mr. HUMPHREY of Washington. In answer to that I will say that the chairman of the committee stated that he wanted to construct his building in an orderly and symmetrical way, and my answer to that is that this letter is the foundation of the charges; and the further answer is that it is impossible to construct a symmetrical building that rests upon a foundation of falsehood and forgery as do these charges. [Applause on the Republican side.] And I am utterly unable to imagine any reason why they refused to permit the testimony of this woman at this time, consistent with a desire to let the country know the facts about this letter.

Again I ask what is the purpose of delay? Is it to give some witness time to get beyond reach, or the hope that something may transpire that will cause their evidence no longer to be available? Is it to give some interested party time and opportunity to cover up his guilty tracks?

Mr. FERRIS. Will the gentleman yield?

Mr. SHARP. Will the gentleman yield just for a question?

Mr. HUMPHREY of Washington. I decline to yield at this time.

The SPEAKER pro tempore. The gentleman declines to yield.

Mr. HUMPHREY of Washington. If anything wrong has been done, let us know it now.

If any officer in this Government, even the highest, has failed to do his duty toward Alaska, let us know it now.

If any company has been given privileges in Alaska that it should not have been granted, let us know it now in order that such privileges may be withdrawn.

If anything has been done in relation to Controller Bay that is antagonistic to the interests of the people, let it be known now, while there is still time for Congress to act, and while we still have power to abrogate any privileges that may have been given. In order that Congress may act to right any wrong it is vital that the facts be known promptly.

If, on the other hand, it be true, as has been charged, that these attacks upon the President is a political conspiracy to discredit him, and the expressed desire to protect Alaska is only a pretense to accomplish this purpose, then let it immediately be known to the country.

If it be true that these imputations, as has been charged, are inspired by those who have great interests in the East, and are for that reason opposed to the development of Alaska, then these facts should be made known. If it is influence that has induced this committee to suddenly stop this investigation, let that fact be known.

If any and all of these charges are false, then let that fact be known. No honest man can object to the truth. Whatever the facts may be, there is no justification for the delay of this committee in their investigations.

The people of Alaska are American citizens. They went there having faith in this Government, having faith in the honesty and in the integrity and intelligence of Congress. They have been patient and long suffering, and they are entitled to relief, and entitled to relief now. The delay of this committee in this investigation is another obstacle to immediate help to the people of Alaska.

If the Controller Bay affair is worthy of investigation at all, it is vital that it be done at once. If the committee has discovered that all the charges made in relation to this controversy are false, as their action seems to indicate, then let them have the courage to make a report to this effect at once, that Congress and the country may have the truth.

I am not now discussing what the real facts in this controversy may be; but whether the President has made a mistake or whether the accusations against him are false and inspired for political purposes, or whether such charges are the work of great interests in the East opposed to Alaskan development, whatever the truth may be, there is no justification for delay in investigating the matter. I care not what excuse may be given, there can be, and there is, but one reason for such delay, and that is the desire to conceal the truth for the benefit of some one. For some reason it is desired to keep the facts from the public.

Can it be that the committee, having gone so far, has discovered that the charges made against the President are false, and that they now think that delay may leave some stain in the public mind upon the President?

I can not believe that such motives control the majority of the committee. I am sure that such actions, if inspired by such motives, would be condemned by the majority of the Members in each party. Partisanship so indecent will never meet the approval of this House.

In conclusion, I may say that I have examined with some care the facts in this case and I have some personal knowledge of the situation. I am satisfied that the President acted knowingly; that he acted with caution; that he acted with a full knowledge of the situation, and that he acted wisely. I am satisfied that he did not intend to give anyone the power to control the transportation facilities of Controller Bay, or to do anything that would be to the disadvantage of the public. I am satisfied that had he desired to grant a monopoly of the transportation facilities upon Controller Bay that he would have been entirely powerless under the law to do so. I am satisfied that the public interests in this transaction have been fully conserved; that all charges against the President are wholly without foundation. But whatever the truth may be, it is of highest importance to the public, and especially to the people of Alaska, that all the facts in relation to these charges should be made public at the earliest possible time. In reality the question now is not a question of Controller Bay or of conservation. The public mind is satisfied upon that proposition. The issue now is the great name of the President of the United States.

Shall a committee of this House be permitted by delay to deliberately assist those who would besmirch the name of the President? This is the question now involved in the action of the committee.

The American people are familiar with the record of President Taft. The American people approved and admired him as a great and just judge. The American people watched and approved his great work in the Philippines. The American people watched and approved his action in regard to the construction of the Panama Canal.

The American people watched and approved his remarkable success in Cuba. The American people put their seal of approval upon his splendid record as Secretary of War. From the day when he resigned his office as judge and at the request of the martyred McKinley went to the Philippines and took up his hard task, the whole world has known, watched, and applauded the career of William H. Taft. [Applause on the Republican side.] No man in the history of this Republic ever bore a more stainless reputation; no man ever stood higher in the confidence of the American people as to his honesty, integrity, or sincerity of purpose. Some men may not agree always with his judgment, some may differ with him on questions of policy, but no honest man doubts the honesty of William H. Taft. [Applause on the Republican side.] And this committee has committed a great wrong and they stand discredited before the American people when by their inaction they give their indorsement to the cowardly, dishonest, and dastardly attempt, by falsehood and forgery, to discredit that great and splendid character who is now President of our country. [Applause on the Republican side.]

Mr. Speaker, to show what some of the newspapers of the country think of the action of the committee, I will insert in the RECORD several editorials on the question:

[Editorial from the New York Tribune, July 26, 1911.]

TRICK-TO-TRICK.

In response to the demand of Representative BURKE of South Dakota that "the searchlight should be turned on now" upon the Controller Bay affair and the "Dick-to-Dick" letter, the chairman of the investigating committee, Mr. GRAHAM, said yesterday that "it was better to proceed in October." Of course; better to let the sinister accusations already spread on the record stay there unproved for three months, in the hope that they will leave an impression which would be effaced, and something more, if they were promptly refuted; better to be unfair, to employ cunning and play the sneak than to ascertain and publish the facts as soon as possible; better to act in a public matter affecting the reputation of public men as no man could act in a private relation without becoming an object of scorn and loathing; better to let accusers down easy through delay than to run the risk of making them contemptible; better to perform a political trick for what there may be in it than to show an honest zeal for the truth.

In our opinion Mr. GRAHAM will find that his calculations are erroneous; that the country will not forget, but remember; and that it is not "better to proceed in October."

[From the Post-Intelligencer, Seattle, Friday, Aug. 4.]

COWARDLY POLITICS.

The refusal of the GRAHAM investigating committee to hear testimony in regard to the notorious "Dick-to-Dick" postscript, said to have been found in the letter files of the Interior Department by Miss Abbott, a magazine writer, is a display of infamous unfairness, and shows the length to which some Democratic statesmen will go in efforts to serve the party to which they belong.

Mr. GRAHAM says the matter is not of sufficient importance to warrant further investigation. Why not? This mean forgery has smirched the reputations of men whose characters are supposed to be above reproach. It went to the disgusting and contemptible limit of dragging the President's name into an unclean controversy. Is it Mr. GRAHAM'S idea that reputation is no longer of any consequence in this country? Doesn't he put any value on character?

Among men who are entitled to the respect of their fellows character is about the only thing that counts; it is the "immediate jewel" of the souls of manly men.

If the GRAHAM committee and their muckraking aids on the outside had dismissed the entire Controller Bay fake as of no importance in the beginning, before they had gone to the mean extreme of smirching the names of honorable men, they would have deserved the commendation of the American people, and they would have received it.

But that isn't the Democratic way of doing things; that at any rate isn't Mr. GRAHAM'S way of doing things, for he doesn't care anything about a man's character, he doesn't care anything even about the President's character, if he can gain some narrow political advantage by assailing it.

But Mr. GRAHAM and his blind followers will gain nothing by tactics of this sort. The American people are fair and just, and they have not yet reached the low state that would cause them to regard reputation and character as of no importance in the day's events. Cowardly politics of the GRAHAM sort will make no headway in America.

[From the Philadelphia Inquirer, Monday, July 24, 1911.]

A COMMITTEE'S RANK PARTISANSHIP.

Such rank partisanship as is being shown by the House committee which is conducting the Controller Bay investigation has seldom been exhibited. This inquiry was originally induced by the publication in a local newspaper of what purported to be a copy of a document on file in the Department of the Interior made by one Miss M. F. Abbott. Miss Abbott claimed to have discovered some suspicious irregularities in connection with the opening to public entry of a triangular piece of ground which formed part of the Chugach National Forest, of Alaska, and which had a frontage of 8 miles on Controller Bay, a large inlet from the Pacific Ocean. She had written a "story" on this subject, for which she finally found a purchaser, and an important, because a sensational, feature of what she wrote was what has since become known as the "Dick-to-Dick" postscript. It is supposed to have been addressed to former Secretary Ballinger under date of July 13, 1910, and reads as follows:

"DEAR DICK: I went to see the President the other day. He asked me whom I represented. I told him, according to our agreement, that I represented myself. But that didn't seem to satisfy him. So I sent for Charlie Taft and asked him to tell his brother (the President) who it was I really represented. The President made no further objection to my claim.

"Yours, "DICK."

The scandal mongers who seized upon this choice morsel for exploitation presented it as evidence that the President's order of October 28, 1910, opening to entry the Controller Bay tract, had been prompted by a desire to promote the institution by the Guggenheim-Morgan syndicate of a monopoly in the transportation of coal from the principal Alaskan beds to the seacoast. The intimation was that when the President learned that "Dick" was acting for the Guggenheim party he made the desired release. This means that the President was accused of having exercised his authority for the benefit of a private interest at the public expense. There could hardly be a graver charge, and it demanded an immediate and unsparing investigation. Well, the Graham committee met, and on July 12 Secretary Fisher, of the Interior Department, appeared before it and testified that no such document as Miss Abbott claimed to have copied could be found on the files of his department. He urged that Miss Abbott be interrogated with regard to it at an early date. The committee gave him no satisfaction. It has not called Miss Abbott yet, and, according to report, is not intending to call her, and its chairman now insists that the "Dick to Dick" postscript, which was made the occasion of the abuse of which the President has in this connection been the object, is of no importance anyhow.

In the meanwhile, Richard S. Ryan, the supposed "Dick" of the transaction, has denied ever having written the alleged letter, has denied having any acquaintance with Charles P. Taft, the President's brother, has denied any connection with the Guggenheims, and has denied ever having asked the President for any favors. He is still waiting a chance to testify and his wait is likely to be a long one. A deliberately scandal-mongering committee, which has lost all its interest in the "Dick to Dick" letter, doesn't want to hear him.

Indeed, it has no consuming desire to hear anyone. It seems to have had enough, and on the pretext that Mr. Louis D. Brandeis, whom it has invited to help it out of its difficulties, can not sooner attend, it has postponed any further hearings until next October, when it is dollars to doughnuts that the investigation which has so signally failed to produce the desired results will be conveniently forgotten. It is as though a ragamuffin should throw a handful of mud at a passer-by and then dodge round the nearest corner.

[From the Philadelphia Inquirer, Thursday, July 27, 1911.]

WHY THE CONTROLLER BAY INQUIRY WAS DROPPED.

Chairman GRAHAM of the committee which has been investigating the Controller Bay fake, refused to give any good reason why the witnesses who for several days have been waiting to be heard with regard to the "Dick to Dick" letter should not be allowed an opportunity to testify, but he did confirm the report that the inquiry had been postponed until October, and the public can form its own conclusions as to the rest.

Of course, the fact is that Mr. GRAHAM and those Democratic associates of his who thought they saw a fine chance to besmirch the President and to discredit his administration have discovered, to their disgust, that they have been following a false scent. They have promoted by their proceedings the dissemination of a scandalous story, according to which the President deliberately exercised his official authority to promote the purposes and interests of a monopolizing combination, and now they have discovered that there is nothing in it, that it is a lie made out of the whole cloth. That is why they have lost interest in the case and why the investigation has been postponed until next October, when it can be quietly dropped without its abandonment attracting attention.

Mr. GRAHAM explained that he and his fellow inquisitors were intending to study the entire Alaskan situation. So they should, for it is a subject on which Congressmen appear in desperate need of enlightenment. But that is no reason why this Controller Bay business should not be taken up and settled right now. The honorable, the honest, the decent, the only fair thing for the committee to do, after having given circulation and a kind of indorsement to the "Dick-to-Dick" insinuation, would be to turn the light on the situation which has been created and to make a frank, open, unreserved exhibition of all the facts. The young woman who says she copied the incriminating writing from a paper on file in the Interior Department should be called to the stand and invited to tell all she knows. It has been suggested that the committee thinks she might not withstand the strain of the cross-examination to which she would be subjected, but if she is telling the truth she has nothing to fear, and if she isn't she deserves no consideration.

Mr. Richard S. Ryan wants to swear that he never wrote the alleged "Dick-to-Dick" postscript; that he has only a formal acquaintance with former Secretary Ballinger and would not think of addressing him so familiarly; that he never asked any favor of the President; that his application was made through the regular channels in the ordinary way; and that he has no connection with the Guggenheim syndicate, but represents a rival concern. The committee is in honor bound to hear Mr. Ryan forthwith. It is also in honor bound to give Mr. Ashmun Brown, who was Judge Ballinger's private secretary, a chance to say under oath that although all the papers in the Controller Bay case passed through his hands he never saw the "Dick-to-Dick" postscript and does not believe such a document ever existed. That is what the committee would do if to ascertain and enunciate the truth were its real object. Such, however, is not the case. It cares only to discover and disseminate a scandal, and it had no use for the Controller Bay incident upon discovering that there was no scandal there.

[Editorial from the Washington Post, July 27, 1911.]

CONTROLLER BAY.

President Taft's message to the Senate on the Controller Bay affair is a crushing reply to the muckrakers who have taken shreds of truth and dovetailed them with brazen falsehoods in the effort to besmirch the administration.

It is shown that there has not been and can not be any transfer of Controller Bay to the Morgan-Guggenheim or any other company; that Congress retains control of the approaches to the channel of Controller Bay; that only a limited portion of the land above high water (4 miles from the channel) may be located by any person or corporation, with alternate portions reserved by the Government from location by anyone; that the land between low and high water can not be obtained by anyone without specific act of Congress; and that the President carefully considered all applications before throwing open lands from the Chugach Forest Reserve and took steps to give everybody a chance to open up the country without special favors to anyone.

It is further shown that the "Dick-to-Dick" letter was a fabrication, invented by some muckraker for the purpose of bolstering up the charge that the "Guggenheims" had gobbled Controller Bay. Charles P. Taft never had any communication with Ryan, and knew nothing of Controller Bay. Former Secretary Ballinger never received such a letter, and was away on a two months' vacation when it is alleged to have been written.

A more thorough sweeping away of false and malicious rubbish was never accomplished than Mr. Taft has accomplished in this message. He speaks with dignity, but the force of his plain unfolding of facts completely demolishes the cunning fabrication contrived by those who tried to make it appear that the President was a party to the betrayal of the Government in its Alaskan property.

The President does well to give Alaska the benefit of a few truths, for that unhappy district has been befogged so long by liars and muckrakers that its development has been halted and its prospects greatly damaged. This admonition from the President's message is well worth heeding:

"The helpless state to which the credulity of some and the malevolent scandalmongering of others have brought the people of Alaska in their struggle for its development ought to give the public pause, for, until a juster and fairer view be taken, investment in Alaska, which is necessary to its development, will be impossible, and honest administrators and legislators will be embarrassed in the advocacy and putting into operation of those policies in regard to the Territory which are necessary to its progress and prosperity."

[From the Seattle Times.]

GOOD REASON FOR INVESTIGATION OF ALASKA CONDITIONS—"DICK-TO-DICK" LETTER CHARGES OPEN WAY FOR FAR-REACHING INQUIRY INTO CAUSE OF TROUBLE IN NORTH.

[By J. J. Underwood.]

The congressional investigation into the Alaska coal-land controversy, precipitated by charges to the effect that former Secretary of the Interior Ballinger and Charles P. Taft had entered into a conspiracy to defeat the Government of ownership of alleged valuable shore land at Controller Bay, Alaska, according to dispatches received from Washington, has resulted in the bars being thrown down by the probing committee, and it has been resolved to thoroughly inquire into every ramification of a problem that bids fair to become a national issue.

The Times presents herewith a number of facts pertaining to the Alaska coal-land situation and its bearing upon the contracts for furnishing fuel to the United States warships plying on the Pacific Ocean, and upon western conditions generally. The Times presents also certain statements which have been made from time to time in connection with the activity of the adherents of the conservation movement. These will be forwarded immediately to Washington and presented to the probing committee for investigation.

FOREIGN SHIPS—AMERICAN COAL.

Nineteen foreign vessels are now chartered and on the way from Newport News and other Atlantic ports to San Francisco and Puget Sound ports. These vessels are laden with coal from the Pocahontas fields, to be delivered at the Government naval stations.

The ships carrying Government cargo are being operated in violation of the Federal law, which prohibits foreign vessels engaging in coastwise trade.

This should be investigated.

The aggregate freight bill to be paid by the Government for the cargo carried by these 19 ships is approximately $600,000. The Government pays annually to the owners of foreign vessels a haulage bill of more than $1,000,000. These ships carry nothing but Pocahontas coal.

This coal either should be carried on American ships or the law prohibiting vessels from plying between American ports should be repealed. Under the present conditions the money paid to foreign shipowners by the American Government for hauling naval coal amounts to a Government subsidy to foreign shipowners.

Foreign ships chartered to carry coal to the Pacific Ocean for use on American war vessels, on arrival at their destination, are thrown on the open market, and having received what amounts to a ship subsidy from the Government, American merchant marine is unable to compete with them.

The committee might look into this matter.

WHAT GOVERNMENT PAYS.

The Government pays $8.80 for Pocahontas coal delivered at San Francisco, and a higher rate for delivery at Puget Sound ports. Government engineers have reported that Alaska coal, of better steaming quality and of a higher percentage of efficiency for all purposes, can be delivered on Puget Sound at $4.90 and at San Francisco at a slightly increased cost. By using Alaska coal in United States warships the Government could save more than $1,000,000 per annum.

This should be investigated.

In the event of war with a foreign country that would invade the Pacific Ocean, American war vessels would be without fuel, except such as could be dragged around Cape Horn or across the continent.

The best method of maintaining peace, it is generally admitted by war experts, is to constantly maintain a condition of readiness for war. And opening and operating Alaska coal fields, with several coaling stations, would give the Pacific coast cities greater assurances of protection.

This is a condition the committee might investigate.

It has been publicly charged that the Forestry Department has expended large sums of Government money in exploiting by publicity the views of ultraconservationists, and that in this manner an effort has been made to build up a big political machine. Is this true?

Let the committee ask some of the settlers living along the edge of the various forest reserves.

OTHER CHARGES MADE.

It has been charged that the efforts of the forestry press bureau have been accelerated by efforts on the part of publicists working in the interests of the owners of the Pocahontas coal fields, of the British Shipowners' Association, of the steel interests of the Eastern States, of the Weyerhaeuser Lumber Co., and of certain railroad companies; it is further charged that these interests have worked to keep the Alaska coal out of competition on the Pacific coast markets, particularly in regard to fuel furnished the United States naval vessels.

It has been stated that the Enos estate, in which former Chief Forester Gifford Pinchot is a beneficiary, is interested in the Pocahontas coal fields and in the Pocahontas Sales Co. It also is charged that his interests are identical with those of the Weyerhaeuser Lumber Trust.

The committee by investigating along these lines might throw a new light on the conservation movement.

George W. Woodruff, an Attorney General of the Interior Department, who was recommended to the office by Gifford Pinchot, soon after being forced to resign by Secretary Ballinger, became the secretary-treasurer of the Pocahontas Sales Co. It is claimed that Pinchot obtained this position for Woodruff.

Let the committee find out why Pinchot is so friendly toward the Pocahontas Co.

In the event of the Alaska coal fields being opened, the freight between Puget Sound and Alaska could be reduced one-half. Under the present conditions ships plying northward from Puget Sound return in ballast, thus making the freight charges for the northward trip pay for the return trip when nothing is carried. This is an injustice to the people who are trying to develop Alaska, and the committee should take some steps to remedy it.

Residents of Alaska during the past 10 years have paid an aggregate of approximately $7,000,000 for coal purchased in Canada. They also have paid a duty of 40 cents the ton thereon, and this in spite of the fact that Alaska is underlain with countless millions of tons of the finest grade coal—an anomalous situation.

Let the committee look into it.

The census reports show that Alaska's population has increased only 767 in 10 years, while the population of contiguous territory in Canada has increased by the immigration of American citizens at the rate of 11,800 per month. Many Alaskans who made fortunes in the gold mines of Alaska, and seeking investment in agricultural land, took their money to Canada.

The committee should seek an explanation of this condition.

FOREST-RESERVE DEAL.

The forest reserves in Alaska have been extended over large areas of country where there is not one stick of growing timber. It is charged that in many instances the reserves were extended to keep prospectors from locating coal lands. Only one-fifth of the known coal areas of Alaska have been located; the balance is locked up in the forest reserves. Although application was made as long as six and seven years ago, none of the lands located have been allowed to go to patent.

Let the committee find out why.

While an abundance of superdeveloped timber lies rotting in Alaska, no man is allowed to cut timber without first getting a permit from the Government and paying a stumpage duty. Millions of railroad ties and telegraph poles were imported from Oregon and Washington to Alaska, involving much unnecessary expense, and subserving no purpose except to help deplete the forests of the United States.

Let the committee find out why this condition has been allowed to exist.

It is contended by some legal authorities that forest reserves in Alaska have no legal existence. The law allows the Executive to extend the creation of forest reserves to the "Territory of Alaska." Some courts have ruled that Alaska is a district. What is the legal status of Alaska? If it is a district, the Government has defrauded Alaskans of money collected for stumpage.

Let the committee look into this matter.

RAILROADS HELD UP.

While the Government has rendered assistance to railroads constructing lines in the United States and in the Philippines, it has levied a duty of $100 per mile per annum on railroads constructed in Alaska. The users of the railroad must pay this license. As Alaska has no vote in the Electoral College or in Congress, and as one of the fundamental principles of American Government is that there shall be "no taxation without representation," it leaves a question as to whether the Government has flimflammed the Alaskans out of this and other license fees.

Let the committee inquire into this.

Telegraph and cable tolls between Seattle and Alaska, mile for mile, are 280 per cent higher than in the United States. The Alaska cables and telegraph lines are operated by the United States Government. Let the progressive members of the committee find out why the Government is allowed to charge a telegraph toll which it would not tolerate on the part of the telegraph companies in the United States.

QUESTIONS OF LAW.

Five different Federal officials, each charged with judicial powers, two judges of the Federal court and three successive Secretaries of the Interior, have rendered five different interpretations of the law in regard to Alaska coal-land cases.

Let the committee recommend the enactment of a law that will enable the Supreme Court to settle this matter, the matter of the alleged illegality of the forestry reserves and the judicial status of Alaska, once and forever.

It is contended that the courts of justice and not the executive departments should be the final arbiters of the rights of the Alaskans. To leave the final determination of a matter so far-reaching in its importance as is the Alaska coal-land problem to the head of a department of the Government, who has undertaken to carry out what is believed to be an unwise policy, is manifestly unjust and un-American in principle.

Let the committee recommend that this matter be put up to the Supreme Court of the United States.

It has been charged that the decision in a recent coal-land case, made by the Interior Department, was guided by political expediency and not by the facts and the law.

Let the committee find out whether this be true—and if it be, send the case before a judicial tribunal for retrial.

If the decision of the commissioner of the General Land Office in the case referred to is carried to its logical conclusion, every prospector in the United States will be compelled to develop a producing mine before he can obtain a title to his property. This is manifestly impossible, and ends further development of properties to which title has not been granted.

Let the committee find out why this new interpretation was placed on the law.

One railroad operating in Alaska, after building 79 miles of track, was compelled to suspend because of the heavy cost of Canadian coal. This company has stated its willingness to put up a bond to build 500 miles of railroad in Alaska within five years if 1,000 acres of Alaska good coal land is opened to entry. Let the committee investigate this offer, and, if it is legitimate, see that it is carried out.

It is charged by competent mining engineers that the lack of a fuel supply in Alaska has caused a stagnation of business conditions, has forced many good citizens into bankruptcy, has inflicted untold hardship upon them, and has practically blotted off the map many places that once were prosperous settlements. Is this true?

It is asserted also that while the opening of the Alaska coal fields would decrease the dividends of the foreign shipowners, the Federal Steel Corporation and many other financial interests which are centered in the Eastern States, it would greatly increase the manufacturing business and general prosperity of the Pacific coast and Western States. It is contended that the manufacturing business can not be successfully engaged in on the western slope of the Rocky Mountains because of the heavy transportation bills on hard coal and coke.

Let the committee look into this, and they may find some milk in the conservation coconut.

Mr. MANN. Mr. Speaker, how much time has the gentleman consumed?

The SPEAKER pro tempore. The gentleman has occupied 23 minutes, and has 7 minutes remaining.

Mr. HUMPHREY of Washington. Mr. Speaker, I want to ask unanimous consent to extend my remarks by inserting in the RECORD some editorials and some newspaper clippings upon this question.

The SPEAKER pro tempore. The gentleman from Washington asks unanimous consent to extend his remarks in the manner stated. Is there objection?

There was no objection.

Mr. HUMPHREY of Washington. Mr. Speaker, I yield back the balance of my time.

Mr. MANN. Mr. Speaker, I yield 15 minutes to the gentleman from South Dakota [Mr. BURKE]. [Applause.]

Mr. BURKE of South Dakota. Mr. Speaker, I had not intended to participate in this debate and would not do so were it not for the fact that my colleague on the committee the gentleman from Illinois [Mr. GRAHAM] has referred to me in person, and because of the fact that he has made certain statements as to what the committee had done without distinguishing between the majority and minority members thereof, and because of the fact that the distinguished gentleman from Washington [Mr. HUMPHREY], who has just taken his seat, has cast aspersions and reflections upon the committee as a whole, and I being a member I feel compelled to say something.

I want, Mr. Speaker, to disclaim any responsibility whatever for anything that has transpired or that has not transpired since the 20th day of July in the Committee on Expenditures in the Interior Department so far as the Controller Bay matter is concerned. And I want to say further that in the statements made by the gentleman from Illinois [Mr. GRAHAM], the chairman of the committee, when he said repeatedly that the committee had taken certain action or that the committee had done certain things, if the statements are true they are without any knowledge on my part, because the committee, as a committee, has taken no action at any meeting that has been called in the usual way, and I think the chairman will substantiate my statement when I say that I have attended every meeting of that committee since I became a member thereof.

Now, Mr. Speaker, just a few words about what has transpired. I was appointed upon the committee on the 19th day of July or, in other words, I was elected by a resolution of the House, offered by the distinguished gentleman from Alabama [Mr. UNDERWOOD], my name probably having been suggested by the distinguished minority leader, the gentleman from Illinois [Mr. MANN].

I attended the first meeting of the committee after that date, which was on the 20th day of July. I found that the committee was engaged in hearings upon the subject of Controller Bay, and had had several hearings. I did not have an opportunity to read the hearings at that time, except very hastily to glance over them. I attended the committee meeting on the 20th day of July, at 10.30 o'clock in the morning, and I found there, in addition to the members of the committee, the several witnesses whose names have been mentioned by the gentleman from Washington, and I am not going to take the time to name them all; but Mr. Ryan was there and Miss Abbott was there and Mr. Ashmun Brown, former private secretary to Secretary Ballinger; Mr. Don M. Carr, of the Interior Department; and Mr. Delegate WICKERSHAM were there, as well as others. The committee was slow in beginning work, but finally, at about half past 11, a witness appeared from the Forestry Bureau and occupied the witness stand until 15 minutes after 1 o'clock in the afternoon.

The record shows that at that hour the committee adjourned to meet on Friday, at 10.30 o'clock—the next day. At 10 o'clock the next day I was phoned by the clerk of the committee that there would be no meeting, and that there would probably not be a meeting until such time as the chairman determined, and that I would be notified. There was no meeting on that day and there was no meeting on the following day, which was Saturday; neither was there any meeting on Monday, which was the 24th of July. There was no session of the House during that period except a short session on Saturday, lasting only nine minutes. On Tuesday morning, the 25th, the committee assembled, pursuant to the call of the chairman, and when the committee got ready to proceed to business we were informed by the chairman that we were to consider a question involving an Indian reservation matter in Minnesota. At that time, Mr. Speaker, it seemed to me, after all that had been stated in the press of the country, and in view of the statement made by the present Secretary of the Interior, Mr. Fisher, before the committee on one of the former hearings as to the importance of this Controller Bay inquiry proceeding while the witnesses were available that then was the time to go on with it and to continue the inquiry until we had gotten the facts pertaining to the whole matter.

And so, Mr. Speaker, I presumed, very modestly, as a new member of the committee, to interrogate the chairman, and in Hearing No. 6, I think it is, on this subject, will be found what occurred upon that occasion.

I have not the time, Mr. Speaker, in the short time allowed me, to read what occurred, but the Members of the House by sending for these hearings can find out. But the sum and substance of what I did say, Mr. Speaker, was to state what the conditions were, referring to the fact that the Secretary of the

Interior had been before the committee; that the witnesses were then there, some of whom were about to leave the Government service; that I, as one member of the committee, wanted to go to the very bottom of the matter; in other words, I wanted to go to the root of it. I further stated that I wanted to turn on the searchlight, and I wanted to do it then, and I have been endeavoring as best I could to force the committee to go on with the investigation ever since.

For the information of the House I will insert the proceedings on that occasion as shown by the printed hearings. They are as follows:

WHITE EARTH RESERVATION.

COMMITTEE ON EXPENDITURES
IN THE INTERIOR DEPARTMENT,
HOUSE OF REPRESENTATIVES,
Tuesday, July 25, 1911.

The committee met at 10.30 o'clock a. m., Hon. JAMES M. GRAHAM (chairman) presiding. There were present also the following members of the committee: Messrs. GEORGE, HENSLEY, and BURKE.

There were also present Hon. Robert G. Valentine, Commissioner of Indian Affairs; E. B. Merritt, law clerk, Indian Office; Thomas Sloan, attorney at law; and Mrs. Helen Pierce Gray.

The CHAIRMAN. Gentlemen, I suppose you know we are here this morning to listen to Judge Burch.

Mr. BURKE. Mr. Chairman, in advance of what you are going to consider this morning, I would like to inquire what has become of the Controller Bay inquiry, or the Alaskan matter?

The CHAIRMAN. What do you mean by that, Mr. BURKE?

Mr. BURKE. I understood that the committee were engaged in the investigation of certain charges that have been made with reference to Controller Bay, in Alaska, and that it was the intention—at least I got this from the record—to pursue the inquiry, and do it diligently; and on Thursday last, the 20th instant, the hearing was for the purpose of conducting that inquiry, and a recess was taken until Friday morning at 10.30. Later the members of the committee were advised that there would be no meeting, and this has been the first meeting since. I am simply inquiring as to what has become of that matter?

The CHAIRMAN. Nothing has become of it; it is just where we left it, and, of course, will stay there until taken up again. The reason for the gap in the proceeding is the delay in the report of the President or the Secretary of the Interior, or both, in answer to the Senate resolution. That document was to be filed on Friday last, I heard, but it was not, and I understand will not be until to-morrow. That document will contain a great deal of information about papers and documents which we hope to use; and in order not to annoy or inconvenience the department, I thought it better to wait until they got that off their hands before asking them for such documents as we need. As soon as that document is out, it will probably take a little time to study it, see what it contains that we think we would need, and also what it does not contain that we think we would need; and as soon as that is done it is the intention of the Chair, so far as he is concerned, to get that documentary evidence into the record—all of it.

Mr. BURKE. In reading the record—and I know the Chair will take into consideration that I have been a member of this committee but a short time, and therefore have to ask for information that I might otherwise be possessed of——

The CHAIRMAN. Certainly.

Mr. BURKE. On the 12th I notice the Secretary of the Interior appeared before the committee and urged that this matter have a very thorough and prompt investigation, and called attention to what I believe to be the case, and I guess there is no dispute about it, that, so far as any claims have been filed upon or any effort to file upon any claims, they have not matured; and that it is very important if anything has transpired there which is reprehensible or iniquitous, as the newspapers would seem to indicate, it should have investigation immediately, in order that if the public interests have been jeopardized in any manner, we may prevent the consummation of any attempted acquiring of land contrary to law.

I also notice in this statement of the Secretary that he calls attention to some witnesses who are important, some who have left the department, and others about to leave, and that he believes, so far as the one feature of the matter is concerned, it ought to be inquired into at once in order that witnesses may be obtainable who know the facts. I refer to Ashmun Brown, who was formerly secretary to Secretary Ballinger, and Mr. Don M. Carr, who was assistant to the Secretary, who, I understand, is about to go to California. A newspaper article has stated that a certain Miss M. F. Abbott found in the records a certain letter, known as the "Dick-to-Dick" letter. It is denied that any such letter was there.

It seems to me, in justice to Miss Abbott, we ought to make an inquiry in regard to that letter; and in view of the fact that all of these witnesses whom I have named, including Mr. Ryan, whom I believe was subpœnaed, are here, I can not understand why we should delay this matter; and as one member of the committee, I want to say that I want to turn on the searchlight and go to the very bottom of every suggestion that has been made with reference to the Controller Bay affair, and I believe there has been enough said about it in the press of the country so that the country is demanding an immediate investigation; and I would not make this inquiry as I do if I had not read in the papers that it was the intention not to take this matter up perhaps until October. I was advised by one member of the committee that he has been so informed through his secretary, who is alleged to have conferred with the chairman, that it was not to be taken up until October; and I want to say that I hope that that is not the case, and I hope that we may go ahead with this Controller Bay inquiry at the very earliest date and make it a special continuing order until completed, except as it may be postponed by action of the committee.

The CHAIRMAN. Mr. BURKE, let me inquire, in connection with the Secretary's statement before the committee on the day of the second hearing, did you also read the reply of the chairman to the Secretary on that occasion?

Mr. BURKE. Yes, sir; I certainly did.

The CHAIRMAN. The chairman indorses now all that he said then, and has very little to add to it. As to the point you make that this investigation ought to be pushed so that the Interior Department might know if there is anything fraudulent in the Controller Bay claims, I think that a most astonishing statement. In my short experience with the department I have never known the department to rely on a committee of the House for information concerning the character of claims. The General Land Office is thoroughly, perfectly equipped with special agents whose duty it is to investigate the validity of claims, who have every facility, who can go on the ground, who have practically unlimited money to expend in that work, and who can, if they desire, or if the department desires them to, find out every detail about it; and there is no machinery in the law or in the Government, in the practical application of the law, which requires a committee of Congress to make investigation as to the validity of claims in order to enable the department to know whether those claims are valid or invalid. I therefore must dissent very strongly from the suggestion which you make, whether it comes from you or from the Interior Department, that this committee resolve itself into a special agency for the purpose of investigating the validity of claims pending in the Land Office. I think you will agree with me in that view. Whether you do or not, I think the view is sound.

As to the witnesses whom the Secretary suggested should be subpœnaed, they have been subpœnaed. All of them he named have been subpœnaed and are now under control of the committee, and at the proper time will be called. They are released temporarily, but not discharged, a difference which, of course, you clearly recognize. I am sure that the chairman quite agrees with you, and is glad to hear you say what he would expect you to say, that the searchlight should be turned on this matter to the fullest possible extent. But, from your experience in Congress and your experience as a lawyer, you must know that to turn the searchlight on a matter of this involved character so as to see into all the recesses will take time, and the chairman, so far as he can do it, proposes to give it the necessary time and to get into every crevice with the searchlight; and he is glad, indeed, to know what he would have expected in any event, that you will aid in that work. But it will have to be done in an orderly manner. As the chairman said to the Secretary of the Interior on a former occasion, there is, in his judgment, a best way to go at it. The Chair's opinion is that the best way to proceed now is to get into this record every bit of documentary evidence which there is available and obtainable, and if the Chair can have his way about it, all that will be done, if possible, before the adjournment of Congress.

The chairman thinks that, then, the majority of the committee desires to go home and stay there at least awhile during the hot weather, and when the weather and the circumstances are more favorable, that the committee return at some opportune time—October would be a good time—and have all the witnesses here ready to push the hearing of the oral testimony to a conclusion as rapidly as possible, and in such order as at the time will appear to the committee most logical and most effective.

Mr. BURKE. I think the Chair misunderstood my suggestion that this inquiry ought to be continued only for the purpose of aiding the department.

The CHAIRMAN. Yes; if you did not say that, the Chair misunderstood you.

Mr. BURKE. This inquiry, or rather the suggestions that have prompted this investigation, suggest that the department is not properly conserving the public interests, and that they have, by some irregular and unusual proceeding, permitted lands to be acquired that ought not to have been acquired; and Congress, that has absolute control over the public domain, when its attention is called to anything of this kind, should promptly investigate it for the express purpose of preventing the consummation of what it is said is improper. I had no thought of conducting this inquiry for the purpose of aiding the department or the General Land Office. I do not care anything about them. I think that Congress itself, and certainly the country, want to know something about this affair.

The CHAIRMAN. Just at that point, the chair will again state that he does not understand that your present statement of your position accords with your first statement of it, and the record will show the fact that you did suggest that this committee assist the department in determining whether a fraud was about to be committed. Now, which of us is right as to that matter is, of course, immaterial; the record will show that.

Mr. BURKE. That might be one reason.

The CHAIRMAN. But on the other point you make you are mistaken, as the chair sees it. Congress is not supreme in the matter of which you speak. If a location was made on Controller Bay by some one having soldiers' additional homestead scrip, Congress could not interfere with that. Congress can not, by any power that I know of, deprive a man of his property lawfully obtained; and no investigation which Congress could now make along that line would have the effect of depriving a man who had lawful claims on Controller Bay of those claims. So that that could not be a reason, if I am right about it, why we should go into an inquiry of that character, which could lead nowhere.

Mr. BURKE. The investigation would probably disclose that.

The CHAIRMAN. Yes; and I hope an investigation will.

Mr. BURKE. Has it occurred to the chair and the other members of the committee that, in view of the fact that it is asserted that certain interests, known as the Alaska Syndicate, are perhaps back of this matter, the failure on the part of the committee to act promptly might be thought to be prompted by some action on the part of that syndicate and therefore embarass the committee?

The CHAIRMAN. No; the committee has not any such thought as that. I do not think it at all likely that anyone would be of the opinion that the majority of the committee is here to aid the Alaska Syndicate. If anyone is of such opinion, I hope that before the investigation is over such person will have ample cause to change his mind.

Mr. BURKE. The chair thinks, then, it is very possible that that impression might prevail as to the minority?

The CHAIRMAN. No; the chair thinks that extremely improbable, if not impossible.

Mr. BURKE. Just another word. As I understand the chair, in his own opinion, as a member of the committee, he thinks that after reaching a certain point in this investigation it might be well to postpone the continuance of it until some time later in the season; that to be a matter to be brought to the attenton of the committee for its action, I assume.

The CHAIRMAN. The committee is entirely in control.

Mr. BURKE. I supposed that was the case, and I would not have made this inquiry had I not read in the papers that the committee had decided to put this over until October, and I was not aware that the committee had so acted; and if they have so acted, I would like to be advised.

The CHAIRMAN. The chairman neither owns nor controls any paper.

Mr. BURKE. I understand that.

The CHAIRMAN. And is not informed as to what has appeared in the papers, and the chairman has never assumed to be the committee.

Whenever he made a statement the chairman was always very careful to say that that was merely the opinion of the chair.

Mr. BURKE. I have no doubt that is the case. I would like to make one further inquiry for information.

The CHAIRMAN. Very well.

Mr. BURKE. I notice that in a number of its hearings counsel appear for the committee. In the Controller Bay matter one Mr. Fennell, I believe, is the name. Will the chair state, for my benefit, what the relation of Mr. Fennell is to the committee?

The CHAIRMAN. In that Controller Bay matter Mr. Fennell's relation to the committee I could not state; I do not know that he had any. In matters pertaining to the General Land Office Mr. Fennell represented the committee.

Mr. BURKE. *Do I understand* that is by employment by the committee, or voluntarily?

The CHAIRMAN. I hardly know whether to call it employment or not. Mr. Fennell will get some remuneration.

Mr. BURKE. I notice that in the hearings it says "There were present," naming the members of the committee, "and Mr. W. P. Fennell, attorney at law, Washington, D. C., on behalf of the committee." I simply wanted to know his relation to the committee, so that I might consult him the same as any other member if he is employed by the committee; and I think in these investigations, where a subject is of enough importance, counsel can be of assistance to the committee. But I wanted to ask of the chair if the committee has authority to employ counsel.

The CHAIRMAN. From whom do you mean when you say authority?

Mr. BURKE. I assume that it could not have authority from any other body except the House itself. I know no precedent where a committee has had authority to employ counsel——

The CHAIRMAN. The Chair does not quite agree with you in that regard.

Mr. BURKE. Perhaps the Chair can inform me; that is what I want to know.

The CHAIRMAN. I suppose that the contingent fund of the House might be used in that way without specific permission from the House. What does Mr. Burke think about that?

Mr. BURKE. I would think that the precedents would require action by the House to authorize the employment of counsel, except, possibly in investigations where the resolution is broad enough to authorize the employment of counsel, as may be the case in the sugar and steel inquiries, where they are authorized to expend $25,000.

The CHAIRMAN. Then I am right, am I, in understanding you to say that, in your opinion, the contingent fund of the House, or any part of it, may not be used for that purpose?

Mr. BURKE. I should say it was very doubtful.

The CHAIRMAN. If it is doubtful——

Mr. BURKE. I want to say—and I am saying this in entire good faith, for the benefit of the Chair—that that question came up in the last Congress in the committee that investigated the Steenerson matter, and I think that was the ruling of the Committee on Accounts. I do not wish to be objecting at all to the committee having counsel.

The CHAIRMAN. It is not the fact, but the manner of it, that you are suggesting doubts about now?

Mr. BURKE. That is all.

The CHAIRMAN. Is there anything further that you wish to inquire about now that we have a catechising spell on?

Mr. BURKE. I think the Chair will, as I have already stated, recognize the fact that I am a new member on this committee, and necessarily must make inquiries to get certain information that I would be cognizant of if I had been a member from the beginning.

The CHAIRMAN. The committee has no secrets. Anything you wish to inquire about, you may do so freely.

Mr. BURKE. I have nothing further.

Mr. Speaker, notwithstanding my demand to take up the Controller Bay matter, we proceeded to inquire about the Indian-reservation matter in Minnesota, and we ran along, holding sessions for two or three or four days on that matter, and finally we got to a stopping point, when I again made some further inquiries of the chairman about the Alaska affair. I had been reading in the press of the country a great deal about it. I had read in the newspapers that the hearings had been postponed by the committee until October. I had also read in the newspapers that some attorney—one Brandeis—had been employed by the committee.

This was on the 27th of July, and to show exactly what I did say and what transpired I will quote from the hearings of the committee on that day the proceedings as they appear in the printed report of the hearings, as follows:

WHITE EARTH RESERVATION.

COMMITTEE ON EXPENDITURES
IN THE INTERIOR DEPARTMENT,
HOUSE OF REPRESENTATIVES,
Thursday, July 27, 1911.

The committee met at 10.30 o'clock a. m., Hon. JAMES M. GRAHAM (chairman) presiding.

The following members of the committee were present: Messrs. FERRIS, GEORGE, HENSLEY, and BURKE.

There were also present: Thomas Sloan, attorney at law; E. B. Merritt, law clerk, Indian Bureau; and Mrs. Helen Pierce Gray.

Mr. BURKE. Mr. Chairman, I want to ask a question simply for information. Some days ago I saw in the papers that one Mr. Brandeis had been engaged by this committee as counsel, and the evening paper last night published a statement that that was the fact, or that he had been engaged for the committee. Simply for information, I would like to know what is his relation to the committee.

The CHAIRMAN. Is your inquiry for information or publication? If your inquiry is for information, it ought to be asked in executive session; and if it is for publication, we ought to know it. As to the things that appear in the newspapers——

Mr. BURKE (interposing). I saw the publication in the paper, and certainly thought there would be no harm in inquiring about it.

The CHAIRMAN. That is quite true. The chairman has not paid much attention to the publications in the papers. For instance, the Chair saw in one of the papers the statement that a vacancy was made on this committee and that you were put here to represent and defend the administration. Now, the Chair would not pay any attention to that statement, and it would seem as if everything that appears in the newspapers ought not to be made the basis of inquiry in an open meeting of the committee. If it is merely for information——

Mr. BURKE (interposing). I will make the inquiry in executive session if there is any reason why it should not be made in open meeting. It did not occur to me that it was a matter that necessarily should be confined to executive session. I have no desire to embarrass the chairman by asking the question.

The CHAIRMAN. The chairman is not embarrassed; not at all. The chairman merely wants to know, Mr. BURKE, whether this inquiry which you make is for your personal information or for publication. If it is made for publication, the committee ought to know it; but if it is made for your personal information, then it had better be made in executive session.

Mr. BURKE. I do not think the Chair is justified in making the suggestion that he has made about the question. I stated that the purpose of the question was for information; and if it will help the matter any, I will reiterate my statement that it is for information.

The CHAIRMAN. In response to that statement, the Chair would have to reiterate that some inquiries for your personal information had better be asked in executive session. In this case the Chair has no hesitancy in answering your question. Mr. Brandeis has not been engaged by the committee, but the chairman of the committee hopes that Mr. Brandeis will give his services to the committee.

Mr. BURKE. That is all I want to know. I am not in any way intending to cast any reflection upon the chairman or the committee for employing Mr. Brandeis or anybody else, but having seen it in the papers, not once, but several times, I thought it was entirely proper to make the inquiry.

The CHAIRMAN. The Chair thinks that everything that appears in the papers is hardly a proper subject of inquiry in open meeting, just as the chairman has intimated with reference to the statements about you. The Chair would not think of making such an inquiry as to that.

Mr. BURKE. If I ask questions that the Chair thinks are improper, I hope the Chair will respond by saying that he prefers to have the question asked in executive session.

The CHAIRMAN. The chairman has said so.

Mr. BURKE. Then, it is your desire that I ask questions only in executive session?

The CHAIRMAN. That depends upon the nature of the question. If it is made for personal information, you ought to make it in executive session. If it is a matter you wish to get in the newspapers, and you desire to ask it when the reporters are here, it is perfectly proper to ask it in their presence.

Mr. BURKE. I do not care for that feature of it. I simply wanted information, and it is usual when information is wanted in a committee to inquire for it.

The CHAIRMAN. That has not been my experience, and I think the rule I have suggested is the correct one.

Mr. BURKE. I can not see any possible reason why this course would be improper—that is, to make the inquiry in full committee. If it is, I want to know it, because it is not my intention to violate the usual customs that prevail in the committees of Congress. I have had some service on committees. I think I know my rights, and if there is anything that can possibly suggest that any question of this kind is improper I can not conceive what it is.

The CHAIRMAN. The Chair has expressed his view about it, and must leave the rest to the discretion of the members of the committee.

Mr. BURKE. That is all I care to ask about.

The CHAIRMAN. Is there anything further—is there any other question?

Mr. BURKE. I have no further questions.

Mr. HUMPHREY of Washington. They already had one attorney.

Mr. BURKE of South Dakota. I knew, Mr. Speaker, that the committee had no authority whatever to employ counsel. I thought, however, that if it had employed counsel, as one member of the committee I was entitled to the benefit of his services, the same as the other members. I also thought it was very strange if this matter had been postponed until October, when there had been no meeting of the committee and when there was not a majority of the members of the committee in the city, not counting the minority members, and I had consulted them, and they had informed me that no person connected with the committee had made any suggestion to them about postponing the consideration of this matter and they had not attended any meeting of the committee at which I had not been present. Mr. Speaker, there is one thing that I omitted to say. When I attended the first meeting of the committee on July 20 I found that it did have counsel and had had counsel ever since the inquiry began. If you will take the six pamphlets which contain the printed report of these hearings on Controller Bay you will find at the head of each day's proceedings the statement that besides the members of the committee there was also present Mr. W. P. Fennell, attorney at law, on behalf of the committee.

That is another reason why I say, if the statements made by the gentleman from Illinois [Mr. GRAHAM] are correct, that if the committee itself or the majority members thereof did not feel capable of assuming the responsibilities of their positions and were not able to conduct the hearings they already had able counsel, and there was absolutely no excuse for any postponement.

The chairman of the committee [Mr. GRAHAM] has stated that they were waiting for some record that was ordered printed in the Senate, and that they had not been able to obtain a copy of it. He had reference to the exhibits referred to in the President's message in response to the Poindexter resolution. Then he referred to me and stated that I had suggested that a printed copy might be obtained, but that he was unable to obtain a copy. Mr. Speaker, whether or not a copy could be obtained

at that time I do not know, but I was informed that such was the case. I sent for a printed copy and obtained it. I hold in my hand Document No. 77, Sixty-second Congress, first session, Chugach national forest lands in Alaska, containing all of the exhibits that were attached to the President's message referred to by the gentleman from Illinois [Mr. GRAHAM]. I do not know when it was printed, but I was informed that I could have a copy of it at any time. Here it is if anyone wishes to see it.

But, Mr. Speaker, what difference does it make whether that document was printed or not? It was the duty of the committee, if it desired to examine any of the files in either of the bureaus or departments of the Government on this subject, to summon the heads of those departments and bring before the committee the original files, and not wait for a printed copy in the form of a Senate document. It seems to me that it would be the duty of the committee to see and examine the original documents. And I say, with all due deference to my good friend from Illinois [Mr. GRAHAM] that I very much fear that his statement that the delay was due to being unable to get this printed document is without very much foundation, and that in fact there is some other reason that he does not care to disclose as to why the committee dropped the matter. There has been no reason that I can see why the hearings should not have gone on from the time I went upon the committee on the 20th of July.

But suppose it was the judgment of the committee that it ought to be postponed until some time later in the year. Is there any reason, can anybody conceive of any reason, why a motion could not be made to postpone it, so that each member of the committee might have an opportunity to vote his convictions upon the matter and know what was going to be done? No; we were unable to get any information except such as I have indicated from the press of the country.

On Wednesday of last week I recited the facts and circumstances pertaining to this matter, going at some length into the details, and then offered a resolution, and moved its adoption, that this subject be made a special order, and that it continue from day to day until the investigation was completed unless postponed by order of the committee. Without reading the several whereases, here is the resolution:

Be it resolved, That the Controller Bay matter be made a special order; that all witnesses who have heretofore been subpœnaed be required to appear forthwith, and that the hearing continue from day to day until a thorough, full, and complete inquiry has been made of the whole subject, and that there be no postponement thereof except by order of the committee.

That is the only motion that has been made in the committee since I became a member thereof upon this subject. What do you think happened? Instanter the chairman of the committee declared my motion out of order, and the committee went into executive session. [Applause on the Republican side.]

The SPEAKER. The time of the gentleman has expired.

Mr. MANN. I yield to the gentleman five minutes more.

The SPEAKER. The gentleman is recognized for five minutes more.

Mr. BURKE of South Dakota. I may say, Mr. Speaker, that on every occasion, in season and out of season, since July 20 I have endeavored to get the committee to go ahead with this investigation; and I also want to say that there is no other member upon the committee who is more anxious or desirous or who will be more zealous or who will attend committee meetings any more regularly or any more hours in the day or any oftener than I will in order that we may get at the actual facts in this Controller Bay affair. I will say, further, that I have no person to favor and no one to shield, but will go into a full and thorough investigation and get all the facts, letting the chips fall where they may. Are you gentlemen of the majority of the committee willing to do likewise? If you are, then why not go ahead? Let us proceed now and not wait until the witnesses may be where we can not get them. I will ask the gentleman from Illinois where the witnesses are now? Some of them are in California, coming this fall clear across the continent if they are summoned. It is my honest judgment, though, that they never will be summoned; but if they are, then they will come a long distance at the expense of the United States, when only recently they were here upon the ground and actually in the presence of the committee, ready and anxious to give their testimony, but were denied the privilege. [Applause on the Republican side.]

Mr. Speaker, we have heard much about economy in this Congress. I simply ask the House and the country to wait a few months and see what the results of these several investigating committees will disclose, expenditure committees taking jurisdiction of subjects that they absolutely have no jurisdiction of at all, committees constituted by a membership in large part that know nothing about the subjects that they propose to inquire into, summoning witnesses from all over creation at very great expense, employing counsel to aid them in their work, with no authority whatever for taking jurisdiction of the subject matter or for employing counsel.

But I apprehend that they will find some way after they get through of meeting these expenses and paying counsel, and they will go into the Treasury of the United States and appropriate the money to pay them.

Mr. HENRY of Texas. Will the gentleman yield?

Mr. BURKE of South Dakota. I will yield to the gentleman.

Mr. HENRY of Texas. Will the gentleman name some of these committees to which he refers?

Mr. BURKE of South Dakota. Mr. Speaker, I think perhaps if I was going to name them the easiest way would be to name all of them.

Mr. HENRY of Texas. Would the gentleman name the Steel Trust and the Sugar Trust investigations?

Mr. BURKE of South Dakota. The committees to investigate the Sugar Trust and the Steel Trust are special committees, constituted and authorized to proceed by resolutions of the House, and I do not believe they are exceeding their authority. I am talking about these expenditure committees. I believe there are nine of them.

Mr. HENRY of Texas. Is the gentleman opposed to the investigation of the Sugar Trust and the Steel Trust?

Mr. BURKE of South Dakota. I am not opposed to any honest investigation.

Mr. BARTLETT. Will the gentleman yield?

Mr. BURKE of South Dakota. Yes; for a question.

Mr. BARTLETT. The gentleman is making the point that this committee did not have jurisdiction under the rules of the House to make this investigation.

Mr. BURKE of South Dakota. Mr. Speaker, I never raised the question of jurisdiction so far as this inquiry is concerned. Inasmuch as it had assumed jurisdiction when I went upon the committee, I was desirous that it might proceed, but I say to the gentleman from Georgia that the Committee on Expenditures in the Interior Department, or the committee on expenditures in any other department, is absolutely without any jurisdiction to investigate the President of the United States.

Mr. BARTLETT. In that opinion I thoroughly agree with the gentleman.

Mr. BURKE of South Dakota. This committee has no more authority to investigate him than it would have to investigate the Supreme Court of the United States and inquire into its motives in rendering some decision which that great court may have rendered in some important case; but it took jurisdiction, and it was my desire that it might proceed. I assumed that the committee would do so, and therefore I have never at any time suggested a want of jurisdiction. I was willing to waive that question. [Applause on the Republican side.]

Mr. MANN. Mr. Speaker, I now yield 10 minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Speaker, as a member of the Committee on Expenditures in the Interior Department, I am naturally interested in the charges that have been made to the effect that that committee has not performed its duty touching the so-called Controller Bay matter. I confess at the outset that I have possibly not performed my full duty in the matter, for it happened that in the lull of the legislative proceedings about the 1st of July I absented myself temporarily from these legislative halls and betook myself homeward.

While home I heard that the committee had taken up the investigation of the elimination from the Chugach forest reserve of certain lands bordering on Controller Bay, and my return was urged. I wired to my secretary, asking him to make inquiry in regard to the matter. That was about the 20th of July. The committee had been conducting hearings at various times, beginning about the 10th of July. The last hearing, which is printed in pamphlet No. 6, was held July 20. On the 22d of July, I think it was, my secretary wired me that, after consultation with the chairman of the committee, the chairman had informed him that the committee would suspend its investigation of this subject until October.

Pressing legislative matters brought me back to the Capitol, and soon after my arrival, about the 1st of August, I attended a committee meeting and found it was investigating matters touching the White Earth Indian Reservation, matters which it did not seem to me were within the jurisdiction of the committee. Nevertheless that subject was being considered, and at the close of that meeting the gentleman from South Dakota [Mr. BURKE] made some observations touching the Controller Bay investigation and suggested that the committee continue that investigation. The chairman of the committee, for reasons which he then expressed and which he has again expressed

to-day, declined to approve the continuation of hearings on the subject.

We of the minority—and I include all the members of the minority, because we all held substantially the same view of the matter—called attention to the fact that grave charges had been made against a number of Federal officials, and particularly against the President of the United States; that, really, the important matter for investigation was the truth or falsity of these charges, because upon the proof or disproof of these charges depended the question as to whether there was any foundation whatever for the general charges that had been made. If the claims made with regard to the so-called "Dick-to-Dick" letter are true, then the President of the United States was guilty of conduct certainly unbecoming a public officer, and, most of all, the highest officer under the Republic. It was the duty of the committee, having entered upon the investigation, to prove the truth or the falsity of these charges. If the allegations with regard to the "Dick-to-Dick" letter were not true, then there was nothing to the entire fabric of charges, except possibly the fact that the President or some other public official had not been sufficiently careful in fully investigating the proposed eliminations and in determining its effect upon the public. We urged these matters at length before the committee. The arguments did not go into the RECORD, because the reporter, for some reason unknown to me, departed from the table at the time the argument was taken up. [Applause and laughter on the Republican side.] Later the committee met while the House was in session, not that the committee has any authority to meet, but the minority Members are anxious to have the work of the committee expedited, and have not objected to the meeting of the committee during the sessions of the House. The meeting was held in the room of the Committee on Ways and Means while the House was in session. The gentleman from South Dakota [Mr. BURKE] presented the resolution to which he has referred, reciting the history of this matter, calling attention to its importance, and demanding that the committee proceed with the investigation immediately. Forthwith the motion was declared out of order, and in less time than it takes to tell it, we discovered that we were in executive session. What occurred there I do not think it would be entirely proper for me to disclose. But the matter stands right there, with a motion on the part of the minority to continue the investigation declared by the chairman to be out of order, and, therefore, no vote taken.

Mr. Speaker, the chairman of the committee has suggested that it would not be proper or advisable to continue this investigation at this time for various reasons. First, he says we have not the papers on which to continue or to pursue the investigation at this time. That has been answered by both the gentleman from Washington [Mr. HUMPHREY] and the gentleman from South Dakota [Mr. BURKE], to the effect that the question as to the truth or falsity of the charges relative to the so-called Dick-to-Dick letter is not a matter of record but a matter of testimony, and all those who could by any possibility have any knowledge of the existence of that document, if there ever was any such document, were before the committee or could have been brought before the committee in 15 minutes. [Applause on the Republican side.] Yet that question was not gone into—the important and controlling question before the committee for investigation.

The SPEAKER. The time of the gentleman has expired.

Mr. MANN. I yield three minutes more to the gentleman.

Mr. MONDELL. Mr. Speaker, had it been necessary to secure all the documents, they were procurable. The only reason why they have not been generally promulgated is that there were a number of maps accompanying them, and it has not been possible for the Printing Office to get out those maps, but the Senate document, with copies of all of the papers referred to, of everything on the files referring to this matter, has been available to the committee for some time. The original documents are available to the committee at any time, and even if that were not true all of the important facts relative to the truth or falsity of the charges made could be proven or disproven by witnesses who are easily available. Yet the committee has refused to call the witnesses. It has refused to even consider the demand of the minority that these witnesses should be examined and that the matter should be pursued to a conclusion. The chairman suggests that the request of the Secretary of the Interior that we continue the investigation was not founded on matters of sufficient importance, because he said that if there were a question as to the improper conduct of the officers of the Department of the Interior that was a matter they should investigate and over which we had no jurisdiction.

Mr. Speaker, that very question has been discussed time and time again before the committee, and the chairman has constantly held, as have other members of the committee, that we have jurisdiction over such matters, and we are at this time, or were up to within a few days ago, investigating just such a matter—the conduct of officials in the Interior Department, and our honored chairman has insisted that that is the first and highest and most important duty of the committee. Yet when it comes to a question of so grave a character that it involves the President of the United States, evidently the gentlemen do not consider the rule which they have themselves invoked a good one, and decline to continue an investigation which is demanded in justice to the people of the country and to the honored head of the Nation. [Applause on the Republican side.]

The chairman has stated certain alleged reasons for not continuing the investigation at this time, or rather when it was first taken up. These reasons may seem sufficient to him, but it occurs to me that they will scarcely be convincing in view of the fact that a further investigation would definitely establish what is already known, that such a thing as the "Dick-to-Dick" postscript never existed and that the claim that it did was a wicked and malicious falsehood; and in view of the further fact that a thorough investigation would establish what is already patent, that the action taken by the President in eliminating lands from the reserve was necessary in order to afford competition in transportation of the Bering River coal when that coal shall become available for shipment.

Mr. MANN. Mr. Speaker, I will inquire of the gentleman from Illinois, if he intends to use all of the balance of his time himself?

Mr. GRAHAM. No; I yield five minutes to the gentleman from Oklahoma [Mr. FERRIS].

Mr. FERRIS. Mr. Speaker, the only trouble with the minority side of this House is a case of the tail trying to wag the dog. Three members of this committee come in here and make vigorous, unheard-of complaints, objecting solely and alone to the policy of the majority of the committee. Well, I am one humble member of the majority of that committee, and I will say that I believe that as long as I am a member of the majority I shall cast one vote in allowing the majority to run that committee as they see fit. [Applause on the Democratic side.] It has been charged here that the committee has indulged in dilatory tactics. That charge is not well founded. That committee has perhaps seen more active service since this special session began than any other committee save and except the Ways and Means Committee alone. It is true that the gentlemen on the minority side of this committee are not pleased with it. Mr. Speaker, we did not expect them to be pleased with it. [Applause on the Democratic side.] For 16 long years they have had control of this Government from A to Z, and their books need auditing, and they need investigating, and your committee will do the business if you stick by them. [Applause on the Democratic side.] A hit dog generally howls, and they are howling. [Applause on the Democratic side.] Last year we came in here with an investigating resolution in regard to the Ballinger-Pinchot matter and the gentlemen on that side of the House said that muckraking was running wild. The resolution was passed, the investigation was held, and Richard Ballinger is not Secretary of the Interior to-day. [Applause on the Democratic side.] This committee is trying to do its duty, trying to save for the 90,000,000 of people of this Republic what justly belongs to them from the hands of plunderers, and if you come in and allow the tail to wag the dog, the dog that is hit probably will not howl any longer because he will not be hit. The four members of the majority on this committee are going to investigate this matter with due haste——

Mr. MANN. "Due haste" is good.

Mr. FERRIS. They meet every other day now; we had a meeting to-day. The gentlemen lay great stress on the fact that the matter stands on a motion of theirs to go on with the investigation. Gentlemen, to my mind there is nothing deplorable about that. I have no objection to the minority trying to have us adopt their view, but I do not believe the majority Members of this House can have any objection or find any fault with us for doing what we think is our duty. Now, some Member on that side, the gentleman from Washington, I believe, has elected to use terms of vituperation against certain witnesses and their testimony. I want to make one observation right along that line. I ask you Members of the minority who represents Alaska, a Republican or a Democrat?

SEVERAL MEMBERS (on the Republican side). Give it up.

Mr. FERRIS. He is a Republican. You may disown him, but he sits on your side of the House. I ask you where is Delegate WICKERSHAM? Why is he not here complaining of the action of this committee? He sits on your side of the House; he is one of the prime movers in this investigation; disown

him if you can, disown him if you dare, but he is your own kind. The real trouble is he is here trying to tell the truth about you, as I believe the information will disclose. No fair-minded man will say that Alaska is not a Republican Territory, and has been represented by a Republican ever since I have been here. I guess there never has been a Democratic Delegate, although I am not sure about that; but, at least, the last two were Republicans and the present one is a Republican, and he is one of the prime movers in the investigation of you very fellows who are now complaining. I did not intend to say a word, but I ask the majority Members of this House to stand by the committee, which is trying to do its duty, and not to allow the tail to wag the dog. [Applause on the Democratic side.]

The SPEAKER. The time of the gentleman from Oklahoma has expired.

Mr. MANN. Does the gentleman from Illinois intend to conclude in one speech?

Mr. GRAHAM. Yes.

The SPEAKER. The gentleman from Illinois has nine minutes remaining.

Mr. MANN. How much time have I?

The SPEAKER. The gentleman has 10 minutes, 1 minute which the gentleman from Wyoming [Mr. MONDELL] did not use.

Mr. MANN. Mr. Speaker, the gentleman from Oklahoma says they are the dog [laughter], and I am willing to admit it. The gentleman from Oklahoma [Mr. FERRIS] said that the Delegate from Alaska should have been heard. Why did you not put him on the stand when he was there to testify?

Mr. FERRIS. Does the gentleman want me to answer?

Mr. MANN. The gentleman from Oklahoma [Mr. FERRIS] has not graced the city with his presence during these investigations. He tells us now that he stands pat. He has not been within a thousand miles of the investigation. When the Delegate from Alaska [Mr. WICKERSHAM] was before the committee, when Miss Abbott was before the committee, when Brown was before the committee, ready to testify, why were they not called upon to testify? Nobody has complained because the committee has not reported without due investigation; but to postpone investigation, to put off witnesses who are there ready to testify, is not in the interests of decent government. It is a scandal in the House. [Applause on the Republican side.] The only excuse that could be given would be the manly excuse that they got hold of the hot end of the poker and wanted to let go. [Applause on the Republican side.]

If the committee had had the manliness to say, "We have brought out what appeared to be a scandal against the President, we have learned it is a lie, and we do not wish to go further," the American people would have paid tribute to their honesty of purpose. [Applause on the Republican side.] But when they bring out what appears to be scandal, and then refuse to go ahead with it, they have put themselves down as cowards. [Applause on the Republican side.]

I notice in the hearings that one Mr. W. P. Fennell, an attorney at law, appears on behalf of the committee, and the newspapers and the newspaper correspondents inform you and me that the committee has engaged, and that the chairman of the committee has so stated, one Brandeis to appear as attorney for the committee. By what authority? Who is paying Mr. Fennell? Who is behind the scandal? The committee has no authority to employ an attorney. Does the gentleman claim that the committee has authority to employ one? Or is Mr. Fennell employed as clerk of the committee? The committee had authority to employ a clerk, and perhaps the committee, knowing its own limitations, when it employs a clerk at $125 a month has the clerk appear to instruct the committee what to do. And at that they would be wise, because no one could know less how to do than the majority of the committee have shown they have known. [Applause on the Republican side.] Who is paying for these attorneys? Let us know who is behind the game.

The gentlemen say that we are complaining about the investigation. Not at all. We are complaining about the lack of investigation. We are urging the investigation; we are willing for you to investigate our books and our acts during the entire Republican administrations of, lo, these many years. [Applause on the Republican side.] But we want you to do it, and not make threats and stop. We want you to investigate, and we hope that the gentleman from Oklahoma [Mr. FERRIS], a Member of this House, will stay in Washington and attend to his duties as a member of the investigating committee, instead of going home and then coming back and talking big.

Mr. FERRIS. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. FERRIS. Does the gentleman think that since the President has used the prerogative of voice so freely, that that ought to offset any committee, and that he would have this House believe that that did away with anything that we might do or say?

Mr. MANN. The President, in response to a resolution of the Senate, brought about in part by the same animus that animates a majority of the committee, sent a response to the resolution giving such facts as he had. I have some interest in this matter myself. In the last Congress we passed the bill granting a right to a railroad to go to deep water at Controller Bay. That bill went through my committee and went through my hands. It was at first suggested that that was a part of the conspiracy. I want to see who makes that charge. [Applause on the Republican side.] I want to know who on the Democratic side or elsewhere says that my committee or myself was actuated by any improper motives when we reported a bill which became a law that no one can find fault with. [Applause on the Republican side.] Turn on the light! We want you to turn it on. We are not asking that we have the power of investigation; we are demanding that you, who talk big, make good by your investigation, and act now, if you are men; but if you are cowards, quit! [Applause on the Republican side.]

The SPEAKER. The gentleman from Illinois [Mr. GRAHAM] has 15 minutes left.

Mr. GRAHAM. Mr. Speaker [applause on the Democratic side], the course which the debate has taken on the other side of the Chamber places me in a rather embarrassing position. As the chairman of that committee, my sense of the proprieties convinces me that my words should be spoken in moderation. The position I occupy is at least quasi judicial, and I can not decently or with propriety answer the remarks of the gentleman from Washington [Mr. HUMPHREY] and the remarks of some of the other gentlemen who have spoken on that side of the House in the spirit in which they were made, much as I would like to do so. I am precluded from resorting to the language of vituperation and from following their example by attempting to exhaust all the superlatives in the dictionary. I will not so far forget my duty to this House and to myself as to do that. Gentlemen on the other side may try to provoke me to do it, but they will not succeed. I have been placed in that situation too often to be thus provoked here. When I was a good deal younger than I am now I was often provoked into a quarrel by being called a coward, but I have long since learned that the man who calls another a coward is himself more likely to deserve the appellation. [Applause on the Democratic side.] Such language is cowardly language to use [renewed applause on the Democratic side], and is the strongest indication of a weak cause.

Mr. Speaker, the gentleman from Washington admits that the resolution he prepared and offered is defective. Of course he could not say otherwise when its defects are pointed out. He says that he copied it from a House resolution offered and passed by the majority, and that he was thus misled. Of course it would not be fair for me to expect a very great deal of intelligence from gentlemen on the other side of the House, but I did think that the gentlemen would know there was a difference between the powers of a committee acting under the rules of this House and a committee that was acting under a special resolution. But the gentleman from Washington seemed not to be able to make that distinction, and probably does not see the difference yet.

He said further that the Pacific coast is intensely interested in this Alaskan question. I concede it. I concede that they are so interested in it that a great many of them are anxious to see that marvelous territory exploited for the benefit of a syndicate in the hope that they may get some of the drippings. [Applause on the Democratic side.] But our committee will not help them in that regard. Our committee regards Alaska as an asset of the American people, bought and paid for with the money of the American people, and that the tremendous, the untold, the almost inconceivable wealth of that Territory belongs to-day to the American people. It stands in a class of its own. I never expect to see—and I doubt if anyone will—the time when the native white population of Alaska will be in any degree commensurate with the illimitable wealth that there is in that Territory, and I say that that excess of wealth belongs to the people of the United States, and that it would be short-sighted and very foolish indeed, even at the behest of the gentleman from Washington or his people on the Pacific coast, to permit that enormous wealth to fall into the hands of great syndicates, to use it to the detriment of the people of this country.

The majority members of the committee do not favor such a policy as that, and when the minority try in this case to change the issue and make it appear that a certain "Dick-to-

Dick" letter and an alleged attack on the President are the issues here, I answer they are wrong and they know it. These are not the issues; they are mere side issues. Gentlemen rush to the defense of the President when no one has attacked him. This committee has never said a disrespectful word of the President, nor shall it, if the chairman can control its action. The committee and the chairman respect the office and the man who holds it, and they are particularly careful to make no assault of any character on the President or on that great office whoever may be in it; so that in trying to assume here that the President had been assailed and that they are rushing to his defense, gentlemen are simply trying to switch the issue from the real issue to a feigned one and thus to cover up somebody's tracks.

Speaking for myself, I am exceedingly suspicious—I hardly know what word to use to express exactly my idea—but I am doubtful, to say the least of it, about matters pertaining to Alaska. I have been through that mill once. It was but a little more than a year ago that the President of the United States sacrificed a young man of sterling character, of unblemished integrity, and of the highest patriotism, a man who saved to the people by his courage property of enormous value, property that the present Secretary of the Interior has since declared was about to be fraudulently taken from the people and given to a great syndicate.

If the President makes one mistake, as he did in the sacrifice of the young man Glavis, I am not sure but that he might make another mistake. That young man was sacrificed because he pointed out the tracks that were being made by those who would steal the illimitable wealth of the Territory of Alaska. Was that a crime? If, in the estimation of the administration, it was not, why was this young man punished? And if, when he was punished, the administration honestly believed he was in error, then, when they found he was not in error, why was no apology or explanation made? Why was no restitution made? Why is that young man still suffering as a victim for trying to serve his country and his fellow citizens?

Now, Mr. Speaker, it has been said that witnesses were before our committee, and that the committee would not or did not hear them. But the committee was hearing witnesses right along. Did you ever know of a case, either in court or committee, where two witnesses testified at one time? And when the gentlemen named—Brown and Carr and Ryan and Wickersham—were in the committee room waiting, other witnesses were giving testimony. The policy of the committee and the judgment of its chairman was that the way to produce the evidence in this case was to lay out the ground, to get in the record a complete description of the physical conditions existing in Alaska. Think of it. I appeal to my colleagues on the Republican side of the House, and particularly to the gentleman from Kansas [Mr. MADISON], who is before me as one who knows many of the facts.

In the testimony before the Ballinger committee it appeared that the Bering coal fields are within 25 miles of Controller Bay, which has virtually been given to Mr. Ryan. At that time the testimony was that there were 500,000,000 tons of coal altogether in that field. Yet a few days ago, before our committee, Mr. Brooks, the coal expert of the Geological Survey, testified that instead of 500,000,000 tons, later investigation has shown that there are at least 1,500,000,000 tons, and that there are probably 3,000,000,000 tons of coal in that field, and that if there is ever any change to be made in the figures he says, it will be to increase them rather than to diminish them. [Applause.]

And he further says, under oath, that what is true of the Bering coal field in that regard is true of every mineral deposit in Alaska. Is it any wonder, then, that those who favor the policy of giving Alaska to the syndicates, as suggested by some gentlemen here, are interested in exploiting this marvelous territory? The chairman of the committee believes, and the majority of the committee are in harmony with him in that regard, that it is not a question of the Dick-to-Dick letter, that it is not a question of vindicating the President against aspersions, or, at least, that it is not these matters alone, but that the main question—the great issue—is, What shall the American people do with the Territory of Alaska? [Applause.]

Mr. BOWMAN. Will the gentleman yield?

The SPEAKER. Does the gentleman from Illinois yield to the gentleman from Pennsylvania?

Mr. GRAHAM. No; he was never in Alaska. What does he know about Alaska? [Laughter.]

The SPEAKER. The gentleman declines to yield.

Mr. GRAHAM. If it was a question about Pennsylvania, Mr. Speaker, I would yield to him. I would expect him to tell us something about conditions there—about the enormous mineral wealth of Pennsylvania that was appropriated years ago and that has passed into the hands of syndicates of one sort and another, resulting in more wretchedness and destitution in the great cities of Pennsylvania to-day than can be found anywhere else in this Union. [Applause on the Democratic side.] I would prevent that. The majority of the committee would prevent that, and they would save these enormous deposits of Alaska from the syndicates and for the benefit of the American people. [Applause.]

Mr. Speaker, the gentleman from South Dakota now exhibits a copy of the Senate document in question, and says that a copy of it could have been had at any time, and the gentleman from Wyoming [Mr. MONDELL] says the only reason why this Senate document has not been generally promulgated is that they were waiting for certain maps to be inserted. What does he mean by "generally" circulated? Does it mean that the minority Members could have them, but the majority Members could not? The Senate document which the gentleman from South Dakota now exhibits contains 408 pages of printed matter, all of it, no doubt, being correspondence, letters, and documents concerning this Controller Bay matter. The letter which I have read from the Secretary of the Senate, and my inability to get any word from the printer expert is, I think, a complete answer to the claim of gentlemen that we might have had it, while the statements and the letter of Secretary Fisher which I have read, sufficiently show the necessity for having it.

No fairly intelligent examination of witnesses could be had without it. The gentleman from South Dakota and the gentleman from Wyoming must have known that, and while they had the use of it, as they now admit, and knew the majority Members did not have it, they were insisting on pushing the examination with vigor.

I will not say that gentlemen on the committee do not desire a thorough investigation of this matter, but I do say that if that was their purpose they could not pursue a course better calculated to bring it about.

Mr. Speaker, I did not intend to discuss the subject matter of the Controller Bay situation at all at this time, but gentlemen have made it almost necessary that I say something about it.

This bay is a land-locked harbor near the mouth of the Bering River and about 25 miles from the famous Bering coal field, which is now estimated by the Geological Survey Service to contain about 3,000,000,000 tons of coal, half of it anthracite and half bituminous.

This harbor is easily accessible to the open sea and has an excellent channel for ingress and egress.

A short time before the expiration of his term President Roosevelt enlarged the boundaries of the Chugach National Forest, so that it included the shore commanding Controller Bay.

This prevented anyone from getting title to the shore for any purpose whatever, and if undisturbed would have kept the harbor under control of the Government. On October 28, 1910, President Taft, by an Executive order, eliminated 12,800 acres of land from this national forest, thus throwing it open to be located on by any citizen. On November 1—that is, on the fourth day after the signing of the Executive order—a location was filed at the Juneau land office covering one-half mile of the Controller Bay shore line, and soon afterwards three other locations of a half mile each were made on the shore of the bay. These four locations, with the three intervening strips of 80 rods each, which remain in the Government under the law, comprise the shore line opposite the harbor.

Between the shore line and the harbor are tide flats extending 2 or 3 miles. These four locations were made in the interest of Mr. R. S. Ryan, who appears to be intimately connected with the Alaska Pacific Railway and Terminal Co.

Permission has been given this company by the War Department to build across these tide flats to the deep water, and then to erect wharves and other structures for a distance of about one-third of a mile along the most available part of the harbor, and it appears this permission has been acted upon at least in part.

There is usually in Executive orders of this character a provision that 30 or 60 days' notice must be given before any locations can be made on the land affected.

When the order in question first appeared in the Interior Department it had such a provision in it, but when promulgated it did not have any provision for notice.

As there has been no public survey of land in that part of Alaska—indeed, with the exception of a few townships, none in any part of Alaska—those desiring to make locations must first have the land surveyed by a competent surveyor, and the notes and descriptions of the survey must be filed in

the land office at Juneau, a considerable distance away, with no railroad connection. In the absence of such provision for notice of the opening of the land to entry it is apparent that anyone knowing it was about to be opened would have a great advantage over all others.

Locations on unsurveyed land such as this was can be made only on what is called "soldiers' additional scrip," and such location is not subject to attack if the scrip is authentic, so that if the scrip was valid the locator would have an absolute fee-simple title. Soldiers' additional scrip was used in making these locations. This brief statement of some of the facts suggests many inquiries.

Why was the elimination made at all? Why was the usual provision for publication of notice stricken out? How did Mr. Ryan know of the order in advance? How did he have the survey of this quarter section made so quickly in a country which had no fixed monuments or starting places and get the result of this survey to Juneau, a distance of several hundred miles, with no railroad communication, all in three or four days?

The majority of the committee have no ax to grind, no one to punish, and no one to defend. They are only anxious to develop the facts, and are willing to follow the facts wherever they lead, and they simply ask to be allowed to do that.

The SPEAKER. The time of the gentleman from Illinois has expired. All time has expired.

Mr. GRAHAM. I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

CONSERVATION OF OUR NATURAL RESOURCES.

Mr. OLMSTED. Mr. Speaker, I ask unanimous consent to print in the RECORD an address delivered by Henry Sturgis Drinker, LL. D., president of Lehigh University, at the exercises commemorating the twenty-fifth anniversary of the founding of the Michigan College of Mines, at Houghton, Mich., on "The contribution of the mining profession to the conservation of our natural resources." Dr. Drinker is not only a mining engineer of note, but also the head of one of the most important and certainly one of the most practical of all our educational institutions, and his address will be of particular interest at this time.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to print in the RECORD the address to which he has referred. Is there objection?

There was no objection.

The matter referred to is as follows:

THE CONTRIBUTION OF THE MINING PROFESSION TO THE CONSERVATION OF OUR NATURAL RESOURCES.

An address delivered by Henry Sturgis Drinker, LL. D., president of Lehigh University, at the exercises commemorating the twenty-fifth anniversary of the founding of the Michigan College of Mines, Houghton, Mich., August 8 to 11, 1911.

This is a great mining school, and at this gathering of its clans it may be well for us, as mining engineers, to take account of stock, so to speak—to review and summarize to some extent what the profession of mining engineering has done in the last generation for the benefit and advancement of the material interests of our country—for the conservation of the natural resources of the country.

The early reports, successively, of J. Ross Browne and of Rossiter W. Raymond as United States commissioners of mining statistics threw great light on the previously obscure and the then almost fabulous subject of the mineral resources of the country. In Dr. Raymond's report of January, 1869, to the Secretary of the Treasury, on "The present condition and prospects of the mining industry" (The Mines of the West, chapter on mining education, p. 224) we find an enlightening and prophetic statement of the value of some system of mining education to be carried on in this country, in which the graduates are to practice rather than that they should be compelled to seek for such information in the French and German technical schools. Dr. Raymond, in this article, foreshadowed in 1869, over 40 years ago, the lesson of economy in the development of our mining resources, where he speaks of "the protection of the country against reckless and wasteful mining by the inculcation of sound principles and the enlightenment of the miners as to their best interests." It is a fact not generally known or appreciated that this matter of the need of conservation of our natural resources, particularly of our mining and timber resources, to which the general public is only just awakening, has been the subject of careful study and outspoken warning by our engineers for years, and there is no body of men who have contributed more valuable knowledge and suggestion in this matter than the American Institute of Mining Engineers, founded in May, 1871. This society of engineers has done incalculable good in the last 40 years in developing technical knowledge, research, and discussion by its meetings and publications, and in its history the institute, beginning with the notable discussions on "Waste in coal mining" and on "Technical education," in the early seventies, up through the succeeding years, has taken leadership in the consideration and study of many important matters pertaining directly to conservation and engineering education.

Mr. John Birkinbine, past president of the institute, well commented on this in a paper read at the New Haven meeting of the institute in February, 1909, when he said:

"Anticipating that the sudden awakening of popular interest in conservation may be short lived unless an appreciation of utilization is associated with it, I hope that this interesting and important problem will be treated, not as a new cult, but as a practical development for which able men have labored conscientiously, persistently, and not unsuccessfully, for many years. The members of the institute are especially bound to claim for many illustrious men among its members who have passed away, as well as many who are now living, the credit due for devoted, disinterested, and most effective, though not theatrical and sensational work, which accomplished more in real results of national economy than any vague, indiscriminate, and undirected popular enthusiasm or any crude and hasty legislation, however patriotic in spirit and purpose, could reasonably be expected to effect."

At the first meeting of the institute, held at Wilkes-Barre in May, 1871, at which, as a young engineer, I had the privilege of being present, a committee was appointed "to consider and report on the waste in coal mining," following the presentation of a thoughtful paper on the subject by an eminent engineer, the late Richard P. Rothwell, and the discussions thereon; and it should be noted that even at this early period the waste resulting from mining under short-term leases was referred to, Mr. Rothwell saying:

"The system of leases under which the operator pays for coal shipped, but not for coal wasted, and for the larger sizes frequently a larger royalty than for the smaller sizes, greatly aggravates the evil. When the leases are, moreover, for short periods the combination of conditions is most mischievous. It then makes no difference to the lessee how much coal is wasted or left in the ground. His efforts are directed to getting to market as much coal of the most salable sizes in the given time."

And this same point was emphasized in a paper read by J. W. Harden at the Boston meeting of the institute in February, 1873, when he said:

"It has been said that lessees have not the opportunity of making the best of the mine for themselves or the owner, owing to the short period over which their tenure frequently extends; this should be remedied; every facility consistent with the proper working of the mine should be given, nothing reasonable withheld, as on the lessee rests the greatest share of contingencies and risk."

The above committee on waste in coal mining presented a preliminary report at the second meeting of the institute, held at Bethlehem, Pa., in August, 1871, in which valuable recommendations were made. It was found, however, as time went on that this work, started by the institute committee, required the authority and backing of the State for its successful prosecution, and largely through the efforts of the late Eckley B. Coxe, one of the most distinguished and able mining engineers our country has ever known, the Legislature of Pennsylvania passed, in 1889, an act creating a coal-waste commission. Mr. Coxe, who had been from the first chairman of the institute committee on coal waste, was made a member of this commission and became its chairman, and the commission made a valuable and exhaustive report in May, 1893. In this report the commission, in discussing methods of mining, made this wise comment:

"It is one of the best evidences of engineering skill when the coal that must be sacrificed is determined and deliberately set apart for that purpose at the time the colliery is opened out, or very soon thereafter."

And in commenting on "avoidable waste by mining," they said:

"When any given territory is to be worked a much larger percentage of coal can be gotten out if the conditions in which the coal occurs are carefully studied and a general system of working decided upon and thoroughly carried out from the beginning."

How obvious it is that these wise suggestions can only be carried out when the mining operations are conducted on a large scale, with ample capital, under conditions of actual ownership or under leases of such long term as will financially justify such a plan of working, and that they would be impracticable where mining is to be pursued in small operations with limited capital where speedy returns must be exacted on the capital invested.

In all the discussions that have been had on these matters I know of none where the subject matter considered was more important, or the papers were more valuable, than the proceedings at the notable joint meeting held in New York, March 24, 1909, of the four great engineering societies—the American Society of Civil Engineers, the American Institute of Mining Engineers, the American Society of Mechanical Engineers, and the American Institute of Electrical Engineers—to consider the matter of the conservation of our natural resources. Dr. Raymond's admirable and exhaustive paper at that meeting on "Conservation by legislation," and dealing among other subjects with the conservation of coal, was later followed by the paper on "The conservation of coal in the United States," of Mr. Edw. W. Parker, statistician in charge of the Division of Mineral Resources of the United States Geological Survey, read at the Spokane meeting of the Institute of Mining Engineers in September, 1909. In view of the rather superficial utterances that have been put forth during the last year or so on the general conservation question, it would seem to be the duty of engineers to keep in touch with this matter, and to do their share toward shaping the policy of the Nation to a course based on reason and technical knowledge rather than on sentimental diatribe. I think that a greater danger to-day to the public interests is threatened by the untrained, spasmodic, semipolitical, and careless presentation and handling of these matters before the public by men on whom their importance has suddenly dawned than even by a continuance of the wasteful methods of the past. We all know how the panic-stricken householder will often destroy property in the effort to save it in a fire, when the trained firemen, by more effective and intelligent work, save with less danger and surer results. It is so easy to say in a general way that "we must not waste our natural resources; that we must be prudent and not recklessly blind in handling them; that they must not be monopolized by the few; and that the present generation, while using what it needs, must recognize its obligation to our descendants," but surely all this is too general to be of practical value—"vox et praeterea nihil!"—unless it is followed by expert advice and intelligent action.

Col. Roosevelt has justly been given the credit of directing immediate public attention to these matters, but, granting the danger of waste, or of unwise disposition of these resources, to which the statesman may wisely awaken the Nation, it becomes the province of the engineering expert rather than of the publicist to point out the remedy.

It is dangerous for a man untrained in engineering to venture opinions on questions like the conservation of coal and the development of water powers, which require the judgment and experience of engineers. The trouble with many of the plans for coal and water-power conservation proposed by men untrained and inexperienced in engineering and in business methods is that their plans are ideal rather than real, their

dicta negative rather than positive, and their remedies theoretical rather than practical. You have doubtless observed that the fear that is uppermost with such men is often rather that our public resources will pass into the control of what they term the "monopolistic interests of the few," than the crucial question of what is the best plan or system for the economic winning of our natural resources in the interest of the public. What engineers should urge and impress upon the public mind is the importance of looking at these industrial questions in a wholly cold-blooded, business way, without any obsession or oppression of undefined hysterical fear of the results or dangers of a so-called corporate monopoly that are often as visionary as the nursery tales of bogies to frighten children into being good. Corporations, as we know, are, as a rule, only aggregations of capital to promote some useful industrial or transportation purpose; they are, like other agencies of the day, capable of use and of abuse. Strychnine is a virulent poison used ignorantly or for an evil purpose, but it is a valuable medicinal remedy in the hands of the physician; and under the recent broad decision of the Supreme Court the reasonable function of the large corporation has been defined. Attorney General Wickersham in his recent address across the bridge at Hancock, in this State, summarized this in a few pointed words when he said (in reference to the Sherman Act):

"But when the Supreme Court said we must read this statute as reasonable men and give it an interpretation that will not strangle all trade, but which will prevent any undue restraint, prohibit all contracts and combinations that are intended to interfere with the natural course of trade, then the court gave us a means of preventing those evils which led to the enactment of the law."

And in his recent luminous address delivered July 19 last at Duluth, before the Minnesota State Bar Association, on "What further regulation of interstate commerce is necessary or desirable," Mr. Wickersham said:

"Fair competition is essential to healthy national life, but it is more than doubtful whether or not there can be fair competition without concert of action or cooperative effort to some extent. Business men of integrity are naturally desirous of avoiding violations of law. The construction of the Sherman law originally contended for would have condemned them for any concerted action which imposed any restraint on trade. The more enlightened view which has been expressed by the Supreme Court limits the prohibition to undue restraints, those which are not the result of normal business methods, but which are intended to accomplish or have for their direct and primary purpose interference with the natural course of trade and commerce among the States or with foreign countries. Yet even within these rules there is an area of activity where cooperation and association should only have play under Government supervision and control."

In taking wise and broad measures to avail best of our undeveloped natural resources, the need is not so much to withdraw and set them aside for the use of future generations as to be sure that they are not wasted in their use by the present generation. Let our natural resources be utilized following the natural laws of supply and demand, with due regard to the essential factor that private capital will never venture into the proper, broad, economic exploitation of these resources without the assurance of a sufficiently permanent tenure to insure an adequate return. And let us give due recognition to the thought that conservation may be overdone by the undue and unwise stimulation of such popular demand for drastic control that we may dwarf the business development of our present and coming generations by conserving resources now urgently needed, especially in Alaska and in the West, only to set them aside for the needs of an indefinite future, when other agencies may have been found to take their place. Do not let us be blinded or misled by the fears of the uninformed or, by what is equally dangerous, the narrow view of the partially informed, who fear industrial dangers they have never actually faced, and preach a crusade against evils that are so theoretic that practical men know them to be imaginary.

The difficulty, and the probable error, in criticising all large development enterprises as being so-called monopolies is that the superficial critic is apt to consider and discuss the situation on one side only. The conservation—the careful mining—of our coal, and the economic development of our latent water powers, for instance, can only be managed properly by the investment of large capital, and this can today be supplied only by the association of many individuals having capital to invest, into large corporations controlling such aggregate capital, or by the Utopian plan of State or Federal ownership and the use of the public funds in an industrial enterprise. As to corporations, the stronger they are the more surely are they in a position to handle the mining problem conservatively and economically. The economic mining of coal—the proper development of a water-power site, involve purely expert question, but it takes capital to command the best expert talent. The paper by Mr. Edw. W. Parker, statistician in charge of the Division of Mineral Resources of the United States Geological Survey, above referred to, on "The conservation of coal in the United States," contains wise references to the conservation benefit to the country resulting from the control of the anthracite interests passing into strong financial hands. He says:

"Most of the members of the institute are cognizant of the suits brought by the Government against the anthracite operators in Pennsylvania, or the combination of interests commonly known as the 'Hard Coal Trust.' No defense of any illegal combination in restraint of trade is intended, but there are some facts which should not be lost sight of, and unfortunately those whose opinions are based upon the 'news' given to us by the daily press are likely to be governed by ex parte testimony. The present situation in the anthracite region is one that has been developed through sheer necessity, if the conservation of the supply of anthracite and the prolongation of the life of the fields in the best interests of the people were to be attained in any other way than through Government control, and Government control did not seem to be materializing. I believe that even Dr. Raymond will subscribe to the statement that a good part of the history of anthracite mining has been one of profligate waste in the mining, preparation, and use of that precious supply of fuel; and this has only been remedied none too soon, and could, under the circumstances, only be remedied by the close control and conservative management which have been brought about in recent years. And I might pause here to pay a merited tribute to such men as Dr. Raymond, Eckley B. Coxe, P. W. Sheafer, Franklin B. Gowen, William Griffith, and a few others through whose efforts many reforms which lessened the waste of anthracite were effected. They were the pioneers in the battle for conservation, and a monument should be erected to them.

"The securing by the Reading Railroad for its offspring, the Philadelphia & Reading Coal & Iron Co., of the great coal reserves it owns to-day, was the beginning of a great movement which was foreseen by those in a position to see. The Reading Co. was temporarily bankrupted through its guarantee of the debt thus incurred, but the possession and control of those coal lands are indirectly the most valuable assets of the railroad at the present time. More than this, however, in the ultimate economy of things, has been the preservation of thousands of acres of coal lands from reckless spoliation. The way was paved for the safe and sane control of the anthracite industry, albeit by a trust, and a stop was put to the cut-throat competition and extravagant methods which in earlier years had resulted in losses of millions of dollars in money and more than millions of tons of coal.

"Under former conditions in the anthracite regions, when it was not considered necessary to give thought to the morrow, and indeed up to the time when the Anthracite Coal Waste Commission made its report, it was estimated that for every ton of coal mined and sold 1.5 tons were lost. The greater part of this loss was in the coal left in the ground as pillars to protect the workings, while millions of tons of small coal or screenings were thrown on the culm banks which now form unsightly mountains in the coal regions. Improved methods of mining and of preparation have of late years reduced the percentage of waste, so that at present the recovery will average about 60 per cent and the loss about 40 per cent. * * * A careful study of conditions in the anthracite region will convince the most skeptical that no robbery of the public is now being carried on."

Dr. Raymond, in his discussion of the question of corporation control of our coal interests, in the course of his paper (above referred to) on "Conservation by legislation," said:

"I remember well what Eckley B. Coxe said to me, that salvation for the anthracite region, and its store of natural resources, lay in the control of the collieries by capitalists who had other aims than immediate profit from the coal; and that the acquisition of such control by great railway companies, whose interest it was to make anthracite the basis of a profitable freight business for generations to come, was not only the best but the only remedy for the reckless and the irreparable waste which the system of 'hogging' the mines under short leases had brought about."

Dr. Raymond further added (speaking of Mr. Coxe's prediction): "The results verified his prophecy. The great railway companies operating the anthracite collieries have put more money into preliminary dead work and costly machinery; have been the pioneers of rational forestry for the provision of permanent supplies of mining timber; have enforced economy in every department of production; have trained and employed the most skillful engineers and experts; in short, have redeemed from immediately impending rack and ruin the whole anthracite industry."

The question—the practical question—is, how is the public to-day—how are our future generations, to be best benefited by conservation? It would be nonsensical to say that we do not wish our coal, or our water powers, to be leased to, or availed of, for the present generation, simply because we wish to preserve them for future generations.

In the Advance Chapter from the Mineral Resources of the United States, published this year, by the United States Geological Survey, on "The production of coal in 1909," there is an able note on the serious handicap to the development of the coal industry in Alaska by the existing coal-land laws, showing that the law and practice are so absolutely impracticable that up to July, 1910, not a single acre of land had gone to patent. This is prohibition of all development, not sane conservation, and this note shows that evidently the difficulty lies in the fact that the law is in such shape as to be absolutely antagonistic to the investment of capital in such quantity as to permit profitable mining, the purpose of the present law being to prevent the monopolization of coal fields—its actual and immediate effect being to wholly discourage capital.

In the report of the National Conservation Commission, made through President Roosevelt to Congress in January, 1909, Mr. J. A. Holmes (now Director of the United States Bureau of Mines), in reporting on our mineral resources, said:

"In considering the conservation of resources it should be held in mind that—

"(1) The present generation has the power and the right to use efficiently so much of these resources as it needs.

"(2) The Nation's needs will not be curtailed; these needs will increase with the extent and diversity of its industries, and more rapidly than its population.

"(3) The men of this generation will not mine, extract, or use these resources in such manner as to entail continuous financial loss to themselves in order that something be left for the future. There will be no mineral industry without profits."

With regard to what may happen in the distant future when our coal supply is exhausted, Dr. Robert Thomas Moore, in his presidential address at London, before the Institution of Mining Engineers, of England, said in May, 1909:

"Whether, indeed, it is a profitable matter to attempt to imagine the State of Britain 300 years after this, with its coal exhausted, or a world, say, 200 years later, when it is all finished, is open to question. It is certainly beyond the scope or the objects of the institution.

"I do not think it commends itself as an economic principle to restrict in any way the legitimate development of our mineral resources. They are a source of wealth to ourselves, and we are helping to develop the world. Is it not more reasonable to trust to the progress of science to discover some fresh method of utilizing the resources of nature to provide a substitute? Who would have expected, even 30 years ago, the immense possibilities for distributing light and heat and power that the development of electricity has opened up? We have the forces of the rainfall, the wind, and the tides to utilize to the utmost. We may even get our heat and power direct from the sun.

"Those who come after us have a long time in which to consider the problem, and we may safely leave it to them to solve in their own way.

"But that of which we should be careful is that we should use our coal in the best possible manner—that in the working of it and in the using of it there should be no waste, either of men, of material, or of treasure; and it is the duty of an institution such as ours to afford every aid to the presentation of any plan which will further the attainment of these objects."

The question is whether the present generation needs these resources; if it needs them, the need is exactly that which would be supplied were they held for succeeding generations. It seems to me that the main thing to be guarded against is that the natural resources still in the ownership and possession of the National Government shall not be so disposed of that they can be acquired at a comparatively low price now, to be held wholly speculatively, for development in an indefinite future; surely this can easily be guarded, because there are few corporations who can command large sums of money to be locked up for a return a century hence. Stockholders want a quicker return for their money.

But, again, how easily this principle can be distorted or misapplied by an honest but narrow and inexperienced enthusiast; for any large

enterprise must be enabled to acquire a sufficiently large body of coal, or a sufficiently long lease of water power, to at least secure a sinking-fund return on capital subscribed or borrowed. Proper conservation of our natural resources does not mean throwing open their exploitation to the wasteful methods and inexperienced handling of individual operators with the unnecessary duplication of plants and the waste of capital involved in uneconomic individual operation. Conservation of our natural resources does not mean the conservation of the individual operator. As a rule, it points to reasonable cooperative effort lawfully exercised in the interest of that economy in methods resulting from operating on the larger scale that conserves our resources for the benefit of the consumer and prevents their waste by the producer. Much of the twaddle that is talked and written arises from a sentimental sympathy for the individual operator, who is often the worst enemy of true conservation. As a rule, there is no more wasteful system of mining than that pursued by the small individual operator. The man who owns or leases a small mine, or who leases a large mine for a limited period on limited capital, is almost certain to mine extravagantly. He absolutely must get all he can out of it in the cheapest way possible. He is not concerned with laying out deadwork ahead—with planning far in advance so as to take out the largest possible amount of coal or mineral in the most economical way. He has the power, within certain bounds, as a rule, under his lease, to so operate as to get the largest amount out of the mine in the cheapest and quickest way possible, practically regardless of the waste in mining. Moreover, the small individual operator is, as a rule, absolutely indifferent to the interests of the public, whereas a large corporation, doing business not for a limited term, but for time, must so conduct its business as to be content with a moderate and reasonable profit on a product mined economically, and with a far-seeing eye to the conservation and avail of all its resources and to the just treatment of its customers.

These suggestions as to the individual operator apply equally to small corporations not possessing sufficient capital and strength to mine economically and with an eye to the future.

In the great anthracite coal strike of a decade or so ago, which, it will be remembered, was finally settled by the Coal Strike Commission appointed by President Roosevelt—of which Judge Gray was the chairman, and before which I had the honor of appearing as representing certain interests involved, I remember very well that when coal, during the strike, went up to frightful prices, $10 to $15 per ton at tidewater—certain of the individual operators and small corporations who were selling their coal at the breaker to the large companies at figures computed on a percentage of the average selling price of coal at tide—insisted on the large companies, as their agents, either compelling the public to pay these extravagant prices, or on the suspension of the sales contracts of their coal to the companies, so that they might themselves—if the companies did not do so—compel the public to pay the high prices which the large companies recognized were exorbitant and unwise; and in a number of instances I knew of the suspension of such contracts, forced by the individual operators, so that they might themselves take advantage of the temporary stringency in the coal supply, while the large companies continued throughout the strike and period of coal famine to sell such coal as they could command at reasonable prices—not from any spirit of benevolence, but because they knew it was good, broad business to do so.

How interesting it now is, in view of this recent instance, to turn back to 1875, and see how history repeats itself, and quote the following from Mr. Franklin B. Gowen's argument before a committee of the Legislature of Pennsylvania, appointed to inquire into the affairs of the then Reading companies. Speaking of the policy of the Reading Co. to sell its coal at reasonable rates, less than the rates which individual operators then demanded, he said:

"A large corporation such as we are is held by the public and by the representatives of the public to a strict accountability. We would not dare to do what individuals do. When individuals controlled this coal field during the war" (i. e., the Civil War) "$8 a ton was the price of coal at the mines. Do you think the Reading Railroad Co. would have dared to charge that sum, no matter how great the power it possessed? Do you suppose that a ton of coal which cost $2 at the mines could have been sold at a profit of $6 if the Reading Railroad Co. had owned it instead of individuals?" (The Reading Co. acquired its coal holdings after the war.) "A few individuals during the war were selling coal to the United States Government, to carry on the defense of the country, at a profit of from $3 to $4 a ton; but do you suppose such a thing would have been possible under a corporation? Why, if we had attempted it we should have been pilloried as monopolists and then executed as traitors; and yet these individuals who handled the product of our mines during the war, and who made money so enormously out of war prices, are the very persons represented by those who now attack us for making a monopoly of this trade. Would the legislature have appointed a committee to investigate the conduct of an individual if he had charged this high price for coal? Oh, no. But when we reduce the price to the injury of a Philadelphia retailer, the whole power of the State is invoked for our destruction. Hence, I say, I am a convert; and I believe, as the result of experience, that there is no better policy than that of enabling the railroad companies to develop the coal fields in which their lines are located."

When we talk of large aggregations of capital it is well to consider the good they have done and can do, with the apprehended evil. It will not do to assume broadly that what is mistermed the "monopolizing" of our coal interests, for instance, results in waste of our natural resources and in injustice to the public.

Perhaps one of the best summaries of this great conservation question now before our people, and in which the engineering profession is so interested, and in regard to which our mining profession has so great a duty to perform, was given by Dr. C. W. Hayes, Chief Geologist of the United States Geological Survey, in an address some time ago at the University of Chicago, when he defined conservation as "Utilization with a maximum efficiency and a minimum waste," and said:

"The reform that is needed throughout the country as a whole must gain its motive power not from sporadic instances where true business methods prevail, or from the well-intentioned enthusiasm of the few, but from the well-informed intelligence of the many. The campaign for conservation must be one of education.

"There appears to be an unfortunate confusion in the minds of certain advocates of conservation. They have apparently confused conservation of natural resources with destruction of the trusts, and the mixture has resulted in pure demagoguery. * * * Anyone who has studied conditions attending the development of mineral deposits must have been impressed by the fact that those deposits held by large companies are being developed and utilized with a view to prevention of waste, in accordance with the principles of conservation, to a much greater extent than are the deposits held by small companies or by individuals."

This matter, particularly in connection with the prospective development of our coal in Alaska, was gone into quite fully in the investigation of the Department of the Interior and of the Bureau of Forestry by the joint committee of Congress (the Pinchot investigation), and Mr. George Otis Smith, the Director of the United States Geological Survey, in testifying before this commission, said:

"Take the condition of the anthracite regions. As I understand it, the present conditions—we are talking from the standpoint of conservationists—the present situation, where large interests more or less control the whole field, is much preferable to the former condition of a large number of small operators who only took out a part of the coal and wasted more than they took out." And again in his testimony he said: "It is not monopolization that is the conserving agent, it is not the monopoly that conserves; it is the large unit that conserves. And I should say that the operation of the coal mines by the large and strong interests which control also the railroads in a given field would be a conserving practice, because it would involve large units. * * * I want to see the Government, by law, control the large unit. There is no use of arguing for the development of large units in industry, unless at the same time the control of the large units is given to the Government. But the large unit in itself is the thing to be sought. The day is past for small operation in any industry of this country, and if we wish to bring back the old conditions, and which still persist; if we wish to encourage the existence of small operations which mean nothing but wasteful competition, I think we would be working directly against the operation of natural law, and I do not think that natural law ought to be opposed either by Executive order or by legislative enactment."

Whether or not the conjunction of transportation and mining interests under one control may or may not be to the benefit of conservation and of the public is, however, now a matter of judicial investigation by the Government, and the future practice must be governed by the decision that shall be reached, but there seems to be a growing conviction among thoughtful men who have really studied the subject that concentration of capital and management must not necessarily be condemned as inimical to public interest. Of this President Taft said, in his message of January 7, 1910, to Congress on interstate commerce and antitrust laws and Federal incorporation: "Monopoly destroys competition utterly, and the restraint of the full and free operation of competition has a tendency to restrain commerce and trade. A combination of persons formerly engaged in trade as partnerships or corporations or otherwise, of course, eliminates the competition that existed between them; but the incidental ending of that competition is not to be regarded as necessarily a direct restraint of trade, unless of such an all-embracing character that the intention and effect to restrain trade are apparent from the circumstances, or are expressly declared to be the object of the combination. A mere incidental restraint of trade and competition is not within the inhibition of the act, but it is where the combination or conspiracy or contract is inevitably and directly a substantial restraint of competition, and so a restraint of trade, that the statute is violated." And speaking of the antitrust law Mr. Taft said: "It was not to interfere with a great volume of capital which, concentrated under one organization, reduced the cost of production and made its profit thereby, and took no advantage of its size by methods akin to duress to stifle competition with it. I wish to make this distinction as emphatic as possible, because I conceive that nothing could happen more destructive to the prosperity of this country than the loss of that great economy in production which has been and will be effected in all manufacturing lines by the employment of large capital under one management. I do not mean to say that there is not a limit beyond which the economy of management by the enlargement of plant ceases; and where this happens and combination continues beyond this point, the very fact shows intent to monopolize and not to economize."

Whether direct paternal governmental supervision of our industries (in addition to the relief from wrongdoing now open in the courts) would be wise will, I think, be questioned by most experienced business men and engineers. Whatever may be the outcome of the discussion on this point, the above citations show clearly that the main great principle here discussed, viz, that conservation can best be promoted by mining and by developing in large units, is recognized by the Government, and emphasized in the opinions of its officials from the President down through the technical men best qualified to express opinions.

The present agitation of the whole subject should have a high educational value for our people, and we may be certain we can trust the horse sense, the intelligence that in the long run always is characteristic of our people, not to be led away by isms or wild theories, but to use in the final determination of these questions that independence of judgment and sound common sense so characteristic of and inherent in the American people, and for which our politicians so often make the mistake of not giving the people credit.

Already the wiser, conservative view of conservation has been semi-officially enunciated in President Taft's address at the meeting of the conservation congress in Minneapolis, when, in concluding, he said:

"I am bound to say that the time has come for a halt in general rhapsodies over conservation, making the word mean every known good in the world; for after the public attention has been roused such appeals are of doubtful utility and do not direct the public to the specific course that the people should take, or have their legislators take, in order to promote the cause of conservation. The rousing of emotions on a subject like this, which has only dim outlines in the minds of the people affected, after a while ceases to be useful, and the whole movement will, if promoted on these lines, die for want of practical direction and of demonstration to the people that practical reforms are intended. * * * I beg of you, therefore, in your deliberations and in your informal discussions, when men come forward to suggest evils that the promotion of conservation is to remedy, that you invite them to point out the specific evils and the specific remedies; that you invite them to come down to details in order that their discussions may flow into channels that shall be useful rather than into periods that shall be eloquent and entertaining without shedding real light on the subject. The people should be shown exactly what is needed in order that they may make their representatives in Congress and the State legislatures do their intelligent bidding."

Gentlemen of the alumni of the Michigan College of Mines, it almost seems as if this was a direct appeal to the men of our profession to come forward and perform their public duty as engineers in giving their expert aid in carrying out these wise suggestions, to the end that the public may have the benefit of advice based on that experience which promotes good judgment, and that the mining engineers of the

country may claim and exercise their due share in this great twentieth century movement to so regulate the development of the still latent mineral resources of our country that the lessons that have come down to us in the deliberations of our predecessors in the profession shall be heeded, and that the knowledge and training placed at the disposal of our country to-day by your great mining school, and by its sister schools in other sections of our country, may be availed of and be utilized to the due credit of your alma mater, and of the profession to which you belong, and to the lasting benefit of our country.

[The Philadelphia Inquirer, Monday, Aug. 14, 1911.]

SANE WORDS ON CONSERVATION.

Dr. Henry S. Drinker, president of Lehigh University, delivered an address on conservation at the twenty-fifth anniversary of the founding of the Michigan College of Mines, at Houghton, last Saturday, which ought to be read carefully by all who take any interest in the subject. Dr. Drinker began his career as a young mining engineer and rose to high distinction in the profession, leaving a very lucrative practice a few years ago to head the famous institution on the Lehigh simply because he felt it his duty to instruct the rising generation of engineers out of the many resources of his own experience. On many occasions he has read papers on mining waste and cognate subjects, and it is doubtful if any living man has a closer practical knowledge of the subject.

His principal thesis in the address mentioned was that the resources of Alaska belong in part to this generation and that it is no part of wisdom or economy to bottle them up. If this is done, the coming generation will have the same problems to face as now. It was the policy of the last administration to reduce the opening of these resources to the lowest terms or restrict them entirely. In chief, its idea was that large corporations should be allowed to gain no foothold and only small mines were encouraged.

Dr. Drinker shows from history, from instances leading right up to the present day, that the small mining operator is always wasteful in his methods. Regardless of any other consideration it is held that he wastes most and gets least from the bowels of the earth, so that from the larger point of view he is a menace. On the other hand, the great corporations are always anxious to save every penny and practically nothing of value escapes. Dr. Drinker holds that from these considerations the "larger corporate unit" ought to be encouraged, because the country will be best served by it and lose least. He thinks the whole problem is one of making contracts with the larger unit.

This is a sane view which is held by the President himself and by practically all technical experts. The whole problem, therefore, reverts to the form of contract which is to be made, and Dr. Drinker believes there is wisdom enough in Congress to settle it properly if there be the willing mind. It is certain that something must be done, for our present policy is practically worse than the free-for-all which lasted so long. Congressmen should not be afraid of a few demagogues. They should consider the interest of the whole country.

Mr. GRAHAM. Mr. Speaker, at a future time, when it shall be in order, I shall move to lay this resolution on the table.

Mr. CANNON. Mr. Speaker, I just came into the Hall and caught the remark of my colleague, in which I understood him to move to lay some resolution on the table. I would like to have it reported.

The SPEAKER. There is no motion in order at this time. The Clerk will call the committees.

The Clerk proceeded to call the committees, the call resting with the Committee on Indian Affairs.

When the Committee on Labor was called:

Mr. WILSON of Pennsylvania. Mr. Speaker, I desire to call up House resolution 90.

Mr. MANN. Has that been transferred to the House Calendar?

Mr. WILSON of Pennsylvania. It is now on the House Calendar.

Mr. MANN. At the proper time, Mr. Speaker, I wish to make a point of order that it was transferred to the House Calendar without authority.

The SPEAKER. The gentleman from Illinois reserves the point of order. The Clerk will report the resolution.

The Clerk read the resolution at length.

Mr. MANN. Mr. Speaker, I make the point of order that this resolution should be on the Union Calendar. I understand the resolution was on the Union Calendar, but was transferred by the Clerk to the House Calendar. I think that transfer was erroneous. The latter part of the resolution provides:

> Said committee is hereby authorized to employ certain stenographic or clerical assistance as may be necessary for the purpose of carrying out the provisions and purposes of this resolution, and to pay the expense thereof, in a sum not to exceed in the aggregate $10,000, from the contingent fund of this House upon warrants signed by the chairman of said committee.

Now, I am familiar with the rulings of the Chair that resolutions reported from the Committee on Accounts providing for the payment of sums out of the contingent fund are not Union Calendar bills, although the wording of the rule would require the consideration of those resolutions in Committee of the Whole House on the state of the Union.

Now, because an exception has been made in these cases, although the wording of the rule requiring that all bills and resolutions providing for an expenditure of money should be considered in Committee of the Whole House on the state of the Union, because of the wording of the resolution and the exception made on reports from the Committee on Accounts, my opinion does not warrant any further exception. I think there has been no exception to the wording of the resolution, except in those cases where the Committee on Accounts has reported providing for the payment of money out of the contingent fund. Undoubtedly that ruling grew up because the House was constantly called upon to pay small sums of money out of the contingent fund on resolutions reported from the Committee on Accounts, and it would be a great waste of time to require on each occasion the House to go into Committee of the Whole House on the state of the Union. But when it comes to providing that there may be $10,000 paid out of the contingent fund by a resolution reported from a committee which ought not to have had jurisdiction of it at all, the shoe is on the other foot.

The SPEAKER. Has the gentleman from Illinois any decisions on the subject?

Mr. MANN. So far as I am informed—and I do not claim that I have complete information on the subject—I am familiar with no decision, nor do I recollect any attempt on the part of anyone claiming that a resolution like this would not have to go on the Union Calendar.

The SPEAKER. The Chair will ask the gentleman this question: The decisions to the effect that resolutions from the Committee on Accounts segregating the contingent fund need not be considered in Committee of the Whole House on the state of the Union evidently were rendered for two reasons; one, as stated by the gentleman from Illinois, that they were of so frequent occurrence that it would be a great waste of time to go through that process. And I will ask the gentleman from Illinois whether or not, in his opinion, there was not another reason, and that was that the contingent fund really has already been appropriated?

Mr. MANN. Mr. Speaker, I personally do not think that was the reason, but I presume that has been assigned as a reason at some time. The Chair is familiar with the fact that once in a while, for possibly very good reasons, there has been a clear distinction made without any reason as between what you can do and what you can not do, as is the ruling declaring that the Navy is a continuing project, in order that improvements of the Navy may be in order, if it is a battleship, but that if it is a dry dock it is not in order. There is absolutely no distinction in reason, but there is in the precedent. The wording of the rule, it is very clear, covers the contingent fund, as far as the wording is concerned. The fact that the money has been appropriated makes no difference. We may have appropriated $150,000 for a public building at some place, but if you propose to change the authorization in any way, although the money has already been appropriated, it must go to the Union Calendar and be considered in the Committee of the Whole House—and not merely the appropriation of money, but the expenditure of money, the incurring of obligations which are payable in money.

In this case, under this resolution, there is authorized the expenditure of $10,000. We have already in two other cases authorized the expenditure of $25,000 in each case, a total of $60,000, although the fund out of which that may be paid does not equal $60,000.

Mr. GARRETT. Mr. Speaker, will the gentleman permit a question?

The SPEAKER. Does the gentleman yield?

Mr. MANN. I do.

Mr. GARRETT. The Committee on Rules, to which this resolution ought to have been referred, and to which I have no doubt it would be referred if introduced now, in reporting the investigation resolution carefully refrained from including appropriations, upon the ground that that was the function of the Committee on Accounts, and that the Committee on Rules ought not to undertake to exercise jurisdiction over an appropriation out of the contingent fund, because it was peculiarly the function of the Committee on Accounts to deal with that contingent fund. Here is a resolution reported from another committee that undertakes to make an appropriation out of the contingent fund, and I venture to suggest to the Chair that a different rule would apply to any other committee of the House than to the Committee on Accounts in dealing with the contingent fund.

Mr. MANN. Mr. Speaker, the Chair suggested that one of the reasons actuating the rulings in the past might have been that the contingent fund was already appropriated, but paragraph 3 of Rule XXIII, page 34, of the Manual, says:

> All motions or propositions involving a tax or charge upon the people; all proceedings touching appropriations of money, or bills making appropriations of money or property, or requiring such appropriation to be made, or authorizing payments out of appropriations already made * * * shall be first considered in a Committee of the Whole.

I grant you that the rulings have been, and I think should be, that where the Committee on Accounts reports a resolution for payment out of the contingent fund, it does not require to go upon the Union Calendar, but that is an arbitrary ruling, just

exactly as the ruling in a current appropriation bill where you fix a salary, that that is law and the creation of office is not law, although both are in the same bill, or that providing a new battleship is a continuing project, but providing a dry dock to put it in is not a continuing project. That is an arbitrary ruling—a ruling that has the force of precedent, and that is properly observed—and in this case it is an arbitrary ruling which I think ought to be observed that the Committee on Accounts puts its resolutions on the House Calendar, but that any other committee proposing to pay money out of the contingent fund must place its resolutions on the Union Calendar, and that it must be considered in the Committee of the Whole House.

Mr. FITZGERALD. Mr. Speaker, I wish to call the attention of the Speaker to the extraordinary situation that the House finds itself in with this resolution. This resolution purports to provide for an investigation by the Committee on Labor of the operation of certain cost systems. As introduced the resolution did not purport to provide for the expenditure of money either out of the Treasury or out of the contingent fund.

Mr. MANN. Oh, yes, it did.

Mr. FITZGERALD. As introduced?

Mr. MANN. Yes.

Mr. FITZGERALD. The committee reports an amendment.

Mr. MANN. That is, limiting the amount to $10,000. The gentleman is mistaken.

Mr. FITZGERALD. I am mistaken, Mr. Speaker, but it purports to pay the expense of the investigation out of the contingent fund.

All resolutions, all proposals to pay out of the contingent fund of the House must, under the rule, be referred to the Committee on Accounts. The Committee on Accounts occupies a peculiar relationship to the House in its control over the contingent fund. The contingent fund is provided in an appropriation bill, and its purpose is to have available for the use of the House a fund against which may be charged expenditures necessary in the everyday transactions of the business of the House which can not be anticipated and foreseen and provided for in an annual appropriation. If the practice proposed here is to prevail that whenever any committee determines that it desires to investigate some question it will have introduced a resolution providing for an investigation and an expenditure out of the contingent fund, and then the committee that determines to make the investigation will pass upon the desirability of making the investigation, as well as the amount to be expended out of the contingent fund of the House, there can be no check kept upon the contingent fund of the House, because no committee and no House could ever keep up a supply to meet the demands that committees would be continually making upon it in this form. The ruling to which the gentleman from Illinois [Mr. MANN] has called attention by which the uniform practice of the House has been varied in one respect is that resolutions reported by the Committee on Accounts and providing for payments out of the contingent fund need not be considered in the Committee of the Whole House on the state of the Union; but that is a narrow ruling, restricted entirely to the Committee on Accounts, and it has never been suggested, nor has it ever been proposed, that if some other committee attempts to encroach upon the jurisdiction of the Committee on Accounts in its control of the contingent fund that it would have this preferential right to call up such a resolution in the House and by the operation of the previous question have speedy action taken without an opportunity for a proper and full consideration that should be given to such a resolution.

The Committee on Accounts can report resolutions providing for payments out of the contingent fund as privileged, but such resolutions are not privileged from other committees. The Committee on Accounts, not expending the money itself for investigations by itself, but acting as the auditor of the other committees and acting as the representatives of the House, standing between the House and the other committees, properly would have the right to have a speedy hearing by the House; but I submit, Mr. Speaker, that the ruling has never been extended to any other committee which has attempted to encroach upon the jurisdiction of the Committee on Accounts in its control over the contingent fund, and it should not be extended for a proper administration of the fund and for the protection of the House.

The SPEAKER. Does the gentleman from New York contend this bill ought to be referred to the Committee on Accounts?

Mr. GARRETT. It ought to go to the Union Calendar.

Mr. FITZGERALD. Well, Mr. Speaker, there might be some question as to whether this resolution should be referred to the Committee on Labor, or to the Committee on Rules, or to the Committee on Accounts. It provides for an expenditure out of the contingent fund. If it has not been referred to the Committee on Accounts, if some other committee attempts to exercise control over the contingent fund and reports such resolutions to the House, it seems to me that such resolutions should be considered in the Committee of the Whole House on the state of the Union so that the House may be fully informed.

Mr. GARRETT. Will the gentleman permit——

Mr. FITZGERALD. I yield to the gentleman.

Mr. GARRETT. In answer to the suggestion of the Speaker, I think, of course, that a part of this resolution would have gone to the Committee on Rules and part of it would have gone to the Committee on Accounts, but under the well-settled practice it is too late to make that point of order now.

Mr. FITZGERALD. I am not so certain as to that; unless this is a public bill, it is not too late.

Mr. GARRETT. But if it can come up now, and that is the point I was going to reach, if it can come up now on the House Calendar and not have to go to the Union Calendar, then you can not make the point of order; but if it be sent to the Union Calendar, where it belongs, then it would not be a privileged resolution for the reason that all matters touching the employment of the contingent fund of the House under the rule go to the Committee on Accounts, and to hold that this bill now can be considered, dealing with the contingent fund of the House, as a House bill and not on the Union Calendar, is to open the doors in a very dangerous way.

Mr. FITZGERALD. Mr. Speaker, there is another matter that the House should consider which may not be quite pertinent at this particular point but still must not be overlooked.

The appropriation in the contingent fund out of which expenditures of this character may be made for the current year, if I recall correctly, is $75,000. Two committees have already been authorized to investigate various matters and to incur indebtedness or make an expenditure out of this fund, each not to exceed $25,000. The Committee on the District of Columbia was authorized to conduct an investigation; to expend not to exceed $5,000. These committees drew very little of the amount authorized from the contingent fund prior to the 1st of July, so that charges against this appropriation of $75,000 for the current year are possibly charges of $55,000.

These proposed expenditures should be referred to some committee that knows something about this account. This proposes to permit the employment of stenographic and clerical services at an expenditure of $10,000 a year. The Committee on Appropriations investigates estimates aggregating between six and seven hundred million dollars a year, and it uses the committee stenographers available for all committees of the House. It uses the annual clerks provided by law for the committee, and never, in my experience, has it been necessary for that committee to have a particular appropriation in the vast and comprehensive investigations it is compelled to make annually, and all the time, in order properly to discharge its duties. Ten thousand dollars for stenographic and clerical services for one committee of the House, for a special investigation will mean that; if it continues at that rate, $400,000 or $500,000 will be used up in a session of Congress, and all our professions of economy in the conduct of the business will be but idle dreams at the time we complete our work.

Mr. MANN. That is true, anyhow.

Mr. FITZGERALD. The gentleman from Illinois [Mr. MANN] is very alert to the accuracy of that suggestion. It seems to me that since this resolution has not received the scrutiny of the committee which is specially charged under the rules of the House with the duty of protecting the contingent fund, it would be extremely unwise to extend the ruling and to make privileged and possible of consideration on the House Calendar resolutions affecting the contingent fund which some committees of the House propose to interject here. It seems to me this resolution should be on the Union Calendar, so that the House may take necessary steps to protect itself against such propositions.

Mr. WILSON of Pennsylvania and Mr. CANNON rose.

The SPEAKER. The gentleman from Pennsylvania [Mr. WILSON] is recognized. The Chair will recognize the gentleman from Illinois next.

Mr. WILSON of Pennsylvania. Mr. Speaker, this resolution was originally placed on the Union Calendar when it was reported to the House. It has since been changed to the House Calendar. I presume, while I do not know, that that change has been made because of the ruling recently rendered by the Chair on a similar question. On the 24th of April Mr. LLOYD, from the Committee on Accounts, introduced a resolution—

That there shall be paid out of the contingent fund of the House compensation at the rate, respectively, of $6 per day and $60 per month, for the services of a clerk and messenger to the Committee on the Disposition of Useless Executive Papers during the remainder of the present session.

The gentleman from Georgia [Mr. BARTLETT] raised the point of order—

That this resolution and all like it, proposing to pay money out of the contingent fund of the House, must, under the rule, be considered in Committee of the Whole. I do this for the purpose of establishing a precedent which has hitherto been established in Democratic Houses but not followed in Republican Houses.

Upon that question the Speaker ruled as follows:

This is one of the happy situations in which the Chair can cite great names on both sides of the proposition. If it were an original question, the present occupant of the Chair would hold that the point of order made by the gentleman from Georgia was well taken, but for the last 10 or 15 years resolutions similar to this one have been considered in the House with the universal acquiescence of Members on both sides. Therefore the point of order is overruled.

Now, the point of order made by the gentleman from Georgia [Mr. BARTLETT] was not that expenditures proposed in resolutions coming from the Committee on Accounts are out of order, but propositions for expenditures from the contingent fund. This resolution simply proposes an expenditure from the contingent fund. The resolution itself, it seems to me, properly belongs to the Committee on Labor. The paramount question involved in the resolution is a question involving labor, and for that reason the resolution belongs with the Committee on Labor. As it was originally referred to the committee, it proposes to give to the committee practically unlimited powers in the expenditure of funds for stenographic and clerical help. The committee in reporting the bill proposes an amendment limiting that power of expenditure to $10,000.

The fact that we proposed that amendment does not in any manner change the status of the resolution as being properly before the Committee on Labor, and as the expenditure is from the contingent fund—an expenditure that has already been considered in the Committee of the Whole House—the resolution should be upon the House Calendar rather than upon the Union Calendar.

The SPEAKER. The gentleman from Illinois [Mr. CANNON] is recognized.

Mr. CANNON. Mr. Speaker, if this question touching the contingent fund were presented for the first time on a report from the Committee on Accounts, I have no doubt that the Speaker, under the language of clause 3 of Rule XXIII, would sustain the point of order, and direct the transfer of the resolution to the Union Calendar. I will read:

All motions or propositions involving a tax or charge upon the people, all proceedings touching appropriations of money, or bills making appropriations of money or property, or requiring such appropriation to be made, or authorizing payments out of appropriations already made * * * shall be first considered in a Committee of the Whole.

Now, there is no question, first, but that this is a resolution requiring a payment of money from the contingent fund on appropriation already made, and it comes literally within clause 3 of Rule XXIII. I am aware that for many Congresses—I do not recollect how many—but in both Democratic and Republican Houses, the Committee on Accounts being a privileged committee, and ordinarily bringing in privileged bills before the House touching the daily conduct of business for the convenience of the House, many Speakers have held that those resolutions need not go—or would not go under the rule—to the Union Calendar. If I recollect aright, when I had the honor to be Speaker of the House, following the precedents I made that ruling and no appeal was taken. The present Speaker of the House made that ruling at the commencement of this session, and I think he made it correctly, following the precedents.

But now what do we have? We have a committee, not the Committee on Accounts, that reports a bill, utilizing the form of a resolution—and "a resolution" is covered by the words "a bill"—to appropriate from the contingent fund or to utilize the contingent fund for the payment of the expenses of the committee. It may well be said, Can you make a distinction between committees when the contingent fund is to be utilized? Should it be confined to the Committee on Accounts alone? Under the precedents, as followed by many Speakers, yes. But you may say, Is one of the committees of the House to be discriminated against? Well, under the precedents, that has happened in other instances. I will call the attention of the Chair to Rule XXI, section 2, on page 400 of the new Manual—the Manual of the present session:

No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law.

Now, the invariable construction of that rule prohibits any legislation, or the report of any legislation, on any general appropriation bill, and forbids an appropriation that has not been previously authorized by law. The Committee on Appropriations, the Committee on Military Affairs, the Committee on Foreign Affairs, and the various other appropriating committees are prohibited from reporting any legislation not authorized by law, and a point of order is invariably sustained. For instance, the Committee on Military Affairs can not report a bill or an item on a general appropriation bill—and if it does so the point of order would lie—to build a new Army post, to establish a new Army post, or to establish a new arsenal that may be necessary for the proper support of the military arm. The point of order would lie, unless such post or arsenal was previously authorized by law. That is true of the Appropriations Committee. But there is one exception, and that I call to the attention of the Chair. The Committee on Naval Affairs reports a general appropriation bill for the maintenance of the Navy. If I recollect aright, in the Forty-eighth or Forty-ninth Congress—I am not sure which—on a bill of that kind to maintain the Navy, the gentleman from Kentucky, Mr. McCreary, while acting as Chairman of the Committee of the Whole House, overruled a point of order that was made against an item providing for the construction of a battleship, or several battleships, not authorized by law.

On a point of order which was very thoroughly debated, the gentleman from Kentucky, Mr. McCreary, overruled the point of order and held the provision to be in order. An appeal was taken, and the House of Representatives at that time were so anxious to build battleships that had not been authorized by law that a majority of the Committee of the Whole House on the state of the Union sustained the chairman of the committee. This precedent has been followed from that time to the present, in Democratic Houses and Republican Houses. I have frequently thought that the making of that exception has led to improvident legislation.

The SPEAKER. The Chair will ask the gentleman from Illinois if he does not think that was really stretching the rule a good deal, anyway, when that decision was made?

Mr. CANNON. Oh, it was absolutely against the rule. When I had the honor to be chairman of the Committee on Appropriations that decision was invoked time and again. Amendments would be offered to a general appropriation bill, which, it was claimed—and perhaps correctly claimed in many instances—were for the good of the public service, with plausible statements that the Army was authorized and that public service was authorized and that these amendments were for the good of the service, and that they ought to be in order to a general appropriation bill. "But unless previously authorized by law," as provided in clause 2 of Rule XXI, the point of order has been invariably sustained.

Now, the two cases are exactly alike in principle. The Committee on Naval Affairs can report a general appropriation bill, or an amendment may be made to it to build a ship. The Committee on Accounts may report a resolution to utilize the contingent fund, and it is not subject to the point of order that it should go to the Committee of the Whole House on the state of the Union; but those, so far as I recall, are the only two exceptions where not only the substance but the letter of the rule have been violated.

Now, I care nothing about whether this particular resolution is considered in the House, being on the House Calendar, or in the Committee of the Whole House on the state of the Union; but I do think it is important that there should not be a new precedent made that would enable gentlemen, instead of referring these matters to the Committee on Rules, to consider them in some other committee. It seems to me this resolution ought to have gone to the Committee on Rules; but with the many hundreds, thousands, and tens of thousands of bills being referred by the Speaker, mistakes are bound to occur. In my judgment, it was a mistake to refer this resolution to the Committee on Labor. I think it ought to have gone to the Committee on Rules; but it did not, and the reference of the resolution to the Committee on Labor gave that committee jurisdiction. It is reported and before us, and I do not believe that a precedent ought to be made that will enable any committee to avoid the Committee of the Whole House on the state of the Union by making reports of this kind. I think that privilege ought to be confined to the Committee on Accounts alone.

The SPEAKER. The gentleman from Illinois [Mr. MANN] raises the point of order that this resolution ought to be on the Union Calendar instead of the House Calendar.

The governing section about this is section 3 of Rule XXIII, found on page 413 of the Manual:

All motions or propositions involving a tax or charge upon the people; all proceedings touching appropriations of money, or bills making appropriations of money or property, or requiring such appropriation to be made, or authorizing payments out of appropriations already made, or releasing any liability to the United States for money or property, or referring any claim to the Court of Claims, shall be first considered in a Committee of the Whole, and a point of order under this rule shall be good at any time before the consideration of a bill has commenced.

Rule XIII, Calendars and Reports of Committees, section 729, page 361 of the Manual, says:

There shall be three calendars to which all business reported from committees shall be referred, viz:
First. A calendar of the Committee of the Whole House on the state of the Union, to which shall be referred bills raising revenue, general appropriation bills, and bills of a public character, directly or indirectly, appropriating money or property.

The third provision is Rule XI, section 56, the last clause on page 358, referring to privileged matters:

And the Committee on Accounts on all matters of expenditures of the contingent fund of the House.

The Chair agrees thoroughly with the statements made by the gentleman that this bill ought to go to the Union Calendar. The ruling of the present occupant of the Chair was simply on the question whether, when the Committee on Accounts reports a resolution segregating a part of the contingent fund or reappropriating it, it should go to the Committee of the Whole. The Chair stated that if it was an original proposition he would rule against it, but rulings of previous Speakers on both sides has been—and for 17 years, to the Chair's certain knowledge, nobody had raised that question—that where the Committee on Accounts reports a resolution taking a part of the contingent fund, it does not go to the Committee of the Whole House on the state of the Union. That is the exception to the general rule, and it would be inadvisable, it seems to the Chair, from every point of view to enlarge the proposition that you can consider resolutions or bills appropriating money or things of value beyond the Committee on Accounts. For these reasons the point of order made by the gentleman from Illinois is sustained.

Mr. WILSON of Pennsylvania. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WILSON of Pennsylvania. Does sustaining the point of order made by the gentleman from Illinois automatically take this resolution back on the Union Calendar?

The SPEAKER. The Chair directs the Clerk to put the bill on the Union Calendar. It is fair to the gentleman from Pennsylvania to state that originally this bill was on the Union Calendar and was changed to the House Calendar. The gentleman from Illinois [Mr. CANNON] states the exact fact, that there are thousands of bills to be referred, and sometimes it happens that you can refer a bill with equal propriety to any one of two or three committees, and in the rush of matters it may go to the wrong committee. The Chair considers it no reflection whatever on his motives or integrity if the House changes it. This bill is now on the Union Calendar.

Mr. WILSON of Pennsylvania. Mr. Speaker, I move that the House resolves itself into Committee of the Whole House on the state of the Union for the consideration of House resolution No. 90.

Mr. FITZGERALD. I make the point of order that that is not in order.

Mr. MANN. I demand the regular order.

The SPEAKER. The Chair will state to the gentleman from Pennsylvania that after 60 minutes expires that motion would be in order; but that time has not expired. The Clerk will continue the call of committees.

The Clerk continued the call of committees and called the Committee on Election of President and Vice President.

Mr. MANN. Mr. Speaker, I think we have been through with all of the committees. I make the point of order that no quorum is present.

Mr. FITZGERALD. I move that the House do now adjourn.

Mr. SHEPPARD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SHEPPARD. Has the call of committees been completed?

The SPEAKER. The gentleman from New York moves that the House do now adjourn.

Mr. SHEPPARD. Will the gentleman from New York withhold his motion until we can find out whether the call of committees has been completed?

Mr. FITZGERALD. The gentleman from Illinois made the point of no quorum, and we will find out more quickly that way than any other.

The SPEAKER. The Chair will state that the call of committees has not yet been completed.

Mr. MANN. We commenced with the Committee on Elections No. 1.

The SPEAKER. The Clerk began the call to-day with the Committee on Indian Affairs.

Mr. MANN. I will say that the committee of which the gentleman from Texas is chairman could not be called to-day.

Mr. SHEPPARD. I am interested in another committee.

Mr. FITZGERALD. I will withdraw my motion, Mr. Speaker.

The SPEAKER. Does the gentleman from Illinois insist on his point of order?

Mr. MANN. I insist on the point of order.

The SPEAKER. The Chair will count. [After counting.] One hundred and sixty-one Members present—not a quorum.

Mr. HENRY of Texas. Mr. Speaker, I move a call of the House.

Mr. MANN. Mr. Speaker, I move that the House do now adjourn.

Mr. HENRY of Texas. And on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 92, nays 155, answered "present" 5, not voting 133, as follows:

YEAS—92.

Anthony	Good	Kopp	Porter
Austin	Green, Iowa	Lafean	Pray
Barchfeld	Griest	Langham	Prince
Bingham	Hamilton, Mich.	Langley	Rees
Burke, Pa.	Hammond	Lindbergh	Roberts, Nev.
Burke, S. Dak.	Hanna	McCall	Simmons
Cannon	Harris	McCreary	Slemp
Catlin	Hartman	McKenzie	Sloan
Copley	Hawley	McKinley	Smith, Saml. W.
Crumpacker	Hayes	McLaughlin	Speer
Currier	Heald	Madden	Steenerson
Dalzell	Helgesen	Madison	Taylor, Ohio
Danforth	Henry, Conn.	Mann	Thistlewood
Davis, Minn.	Higgins	Martin, S. Dak.	Towner
Dodds	Howland	Matthews	Utter
Draper	Hubbard	Miller	Volstead
Driscoll, M. E.	Hughes, W. Va.	Morse, Wis.	Warburton
Dwight	Humphrey, Wash.	Mott	Wedemeyer
Dyer	Jackson	Nye	Wilder
Esch	Kendall	Olmsted	Wilson, Ill.
Focht	Kennedy	Parran	Woods, Iowa
Foster, Vt.	Kent	Payne	Young, Kans.
French	Kinkaid, Nebr.	Plumley	Young, Mich.

NAYS—155.

Aiken, S. C.	Difenderfer	Hull	Roddenbery
Akin, N. Y.	Donohoe	Jacoway	Rothermel
Alexander	Doremus	Johnson, Ky.	Rouse
Allen	Doughton	Johnson, S. C.	Rubey
Ashbrook	Driscoll, D. A.	Jones	Rucker, Colo.
Bathrick	Dupre	Kindred	Rucker, Mo.
Beall, Tex.	Edwards	Kinkead, N. J.	Russell
Bell, Ga.	Evans	Knowland	Sabath
Blackmon	Faison	Konop	Scully
Booher	Farr	Lafferty	Shackleford
Borland	Ferris	Lee, Pa.	Sheppard
Bowman	Fields	Lewis	Sherwood
Brown	Finley	Linthicum	Sims
Buchanan	Fitzgerald	Littlepage	Sisson
Bulkley	Floyd, Ark.	Lobeck	Small
Burke, Wis.	Foss	McCoy	Smith, J. M. C.
Byrns, Tenn.	Foster, Ill.	McDermott	Smith, N. Y.
Callaway	Fowler	McGillicuddy	Sparkman
Campbell	Francis	McKinney	Stack
Carter	Fuller	Macon	Stedman
Clark, Fla.	Garner	Maguire, Nebr.	Stephens, Cal.
Claypool	Garrett	Mays	Sterling
Clayton	George	Mondell	Stone
Connell	Goeke	Moon, Tenn.	Sweet
Conry	Gould	Moore, Pa.	Switzer
Cooper	Graham	Morgan	Talcott, N. Y.
Covington	Gray	Morrison	Taylor, Ala.
Cox, Ind.	Gregg, Pa.	Moss, Ind.	Taylor, Colo.
Cox, Ohio	Gudger	Nelson	Thayer
Crago	Hamill	Norris	Tribble
Cullop	Hamlin	Padgett	Turnbull
Curley	Hardwick	Page	Underhill
Daugherty	Hardy	Pepper	Underwood
Davenport	Heflin	Pickett	Watkins
Davis, W. Va.	Henry, Tex.	Post	Webb
Dent	Holland	Raker	White
Dickinson	Houston	Randell, Tex.	Willis
Dickson, Miss.	Hughes, Ga.	Ransdell, La.	Wilson, Pa.
Dies	Hughes, N. J.	Richardson	

ANSWERED "PRESENT"—5.

Adamson	Hinds	McMorran	Malby
Bartlett			

NOT VOTING—133.

Adair	Cary	Guernsey	Lenroot
Ames	Cline	Hamilton, W. Va.	Lever
Anderson, Minn.	Collier	Harrison, Miss.	Levy
Anderson, Ohio	Cravens	Harrison, N. Y.	Lindsay
Andrus	Davidson	Haugen	Littleton
Ansberry	De Forest	Hay	Lloyd
Ayres	Denver	Helm	Longworth
Barnhardt	Dixon, Ind.	Hensley	Loud
Bartholdt	Ellerbe	Hill	McGuire, Okla.
Bates	Estopinal	Hobson	McHenry
Berger	Fairchild	Howard	Maher
Boehne	Flood, Va.	Howell	Martin, Colo.
Bradley	Fordney	Humphreys, Miss.	Moon, Pa.
Brantley	Fornes	James	Moore, Tex.
Broussard	Gallagher	Kahn	Murdock
Burgess	Gardner, Mass.	Kitchin	Murray
Burleson	Gardner, N. J.	Konig	Needham
Burnett	Gillett	Korbly	Oldfield
Butler	Glass	La Follette	O'Shaunessy
Byrnes, S. C.	Godwin, N. C.	Lamb	Palmer
Calder	Goldfogle	Latta	Patten, N. Y.
Candler	Goodwin, Ark.	Lawrence	Patton, Pa.
Cantrill	Greene, Mass.	Lee, Ga.	Peters
Carlin	Gregg, Tex.	Legare	Pou.

Powers	Robinson	Stephens, Tex.	Weeks
Prouty	Rodenberg	Stevens, Minn.	Whitacre
Pujo	Saunders	Sulloway	Wickliffe
Rainey	Sells	Sulzer	Wilson, N. Y.
Rauch	Sharp	Talbott, Md.	Witherspoon
Redfield	Sherley	Thomas	Wood, N. J.
Reilly	Slayden	Tilson	Young, Tex.
Reyburn	Smith, Tex.	Townsend	
Riordan	Stanley	Tuttle	
Roberts, Mass.	Stephens, Miss.	Vreeland	

So the motion was rejected.

The SPEAKER pro tempore (Mr. DAVENPORT). The Clerk will announce the pairs.

The Clerk announced the following pairs:

For the session:

Mr. PUJO with Mr. MCMORRAN (transferable).

Mr. SLAYDEN with Mr. FORDNEY.

Mr. FORNES with Mr. BRADLEY.

Mr. RIORDAN with Mr. ANDRUS.

Mr. LEVER with Mr. SULLOWAY.

Mr. LINDSAY with Mr. BARTHOLDT.

Until further notice:

Mr. BROUSSARD with Mr. SELLS.

Mr. GLASS with Mr. MURDOCK.

Mr. ADAMSON with Mr. STEVENS of Minnesota.

Mr. BARTLETT with Mr. BUTLER.

Mr. POU with Mr. VREELAND.

Mr. GODWIN of North Carolina with Mr. TILSON.

Mr. ESTOPINAL with Mr. RODENBERG.

Mr. SAUNDERS with Mr. ROBERTS of Massachusetts.

Mr. PALMER with Mr. REYBURN.

Mr. DENVER with Mr. PROUTY.

Mr. WILSON of New York with Mr. LOUD.

Mr. YOUNG of Texas with Mr. LENROOT.

Mr. TOWNSEND with Mr. WEEKS.

Mr. HAMILTON of West Virginia with Mr. LAWRENCE.

Mr. HELM with Mr. LA FOLLETTE.

Mr. COLLIER with Mr. KAHN.

Mr. BURNETT with Mr. HILL.

Mr. BURLESON with Mr. HAUGEN.

Mr. BARNHART with Mr. GUERNSEY.

Mr. ADAIR with Mr. GREENE of Massachusetts.

Mr. LEE of Georgia with Mr. GILLETT.

Mr. LAMB with Mr. GARDNER of New Jersey.

Mr. CANDLER with Mr. GARDNER of Massachusetts.

Mr. LEVY with Mr. DAVIDSON.

Mr. LLOYD with Mr. BATES.

Mr. ROBINSON with Mr. WOOD of New Jersey.

Mr. GOLDFOGLE with Mr. CARY.

Mr. HOBSON with Mr. FAIRCHILD (transferable).

Commencing August 14 and ending August 19:

Mr. KONIG with Mr. POWERS.

Commencing June 21 to end of session:

Mr. MAHER with Mr. CALDER.

Commencing August 15 and ending August 17, noon:

Mr. TALBOTT of Maryland with Mr. PATTON of Pennsylvania.

Commencing August 5 and ending August 19, inclusive:

Mr. REDFIELD with Mr. NEEDHAM (on all votes except vetoes of the President).

Commencing August 8 to end of session:

Mr. SULZER with Mr. MALBY (on all votes affecting a veto of the President).

Commencing August 10 to end of session:

Mr. CANTRILL with Mr. MCGUIRE of Oklahoma.

Commencing August 12 to August 17, noon:

Mr. JAMES with Mr. LONGWORTH (on all votes except veto of President).

For the balance of the day:

Mr. WICKLIFFE with Mr. ANDERSON of Minnesota.

Mr. RAINEY with Mr. HOWELL.

Mr. OLDFIELD with Mr. MOON of Pennsylvania.

Mr. HARRISON of New York with Mr. DE FOREST.

Mr. KITCHIN with Mr. AMES.

Mr. ADAMSON. I did not hear the gentleman from Minnesota, Mr. STEVENS, vote, and I will have to withdraw my vote of "no" and answer "present."

The SPEAKER pro tempore. Call the gentleman's name.

The name of Mr. ADAMSON was called, and he answered "Present."

Mr. STEPHENS of Mississippi. Mr. Speaker, I desire to vote "no."

The SPEAKER pro tempore. Was the gentleman in the House and listening when his name was called or should have been called?

Mr. STEPHENS of Mississippi. No; I was not.

The SPEAKER pro tempore. The gentleman does not bring himself within the rule.

The result of the vote was announced as above recorded.

Mr. HENRY of Texas. Mr. Speaker, I desire to withdraw the motion for a call of the House.

The SPEAKER. The gentleman from Texas withdraws the motion for a call of the House.

Mr. HEFLIN. Regular order, Mr. Speaker.

The SPEAKER. The Clerk will proceed with the call of committees.

When the Committee on Alcoholic Liquor Traffic was called:

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. I understood the Clerk to call the Committee on Elections. If I am mistaken——

The SPEAKER. The gentleman was mistaken. The Clerk originally began with the Committee on Indian Affairs. The Clerk will proceed.

When the Committee on Industrial Arts and Expositions was called:

Mr. HEFLIN. Mr. Speaker, I am directed by the Committee on Industrial Arts and Expositions to call up House concurrent resolution No. 11, with amendments suggested by the committee.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Concurrent resolution 11.

Resolved by the House of Representatives (the Senate concurring), That the President of the United States be, and he is hereby, earnestly requested to extend, in the name and on behalf of the city of Key West, Fla., to all foreign nations an invitation to visit that city and participate in the celebration of the completion of the Florida East Coast Railway Co.'s line connecting the mainland of the United States with the said island city of Key West, both by their official representatives and citizens generally, and particularly to invite such foreign countries to send such of their respective naval vessels as may be practicable and convenient to participate in such celebration so to be held, beginning on the 2d day of January, A. D. 1912: *Provided*, That before the extending of said invitations the President shall be satisfied that suitable provisions have been made by said city for the entertainment of the parties or representatives of such governments or countries so invited.

Resolved further, That the President be, and he is hereby, requested to direct such portion of the Army and Navy of the United States as may be convenient and practicable to be present at Key West at the time of such proposed celebration and participate therein.

Resolved further, That under no circumstances is the United States to assume, be subject to, or charged with any expense of any character whatsoever in or about or connected with such proposed celebration.

Mr. MANN. Mr. Speaker, I make the point of order, first, that this resolution must be on the Union Calendar. Second, that it violates the statute by inserting a resolving clause three times; and third, that it is not possible by a concurrent resolution to direct the President to do anything.

Mr. HEFLIN. Mr. Speaker, I was going to ask unanimous consent to substitute for the House resolution Senate concurrent resolution No. 7. This resolution, which is practically the same, has passed the Senate and is on the Speaker's table, and I ask unanimous consent to substitute that resolution for this one.

The SPEAKER. The Chair will hold in abeyance the point of order.

Mr. MANN. Let us have the Senate resolution reported with the request.

The SPEAKER. The Clerk will report the Senate resolution——

Mr. MANN. As a part of the request of the gentleman from Alabama.

The SPEAKER. As a part of the request of the gentleman from Alabama.

The Clerk read as follows:

Senate concurrent resolution 7.

Resolved by the Senate (the House of Representatives concurring), That the President of the United States be, and he is hereby, requested to transmit in the name and on behalf of the city of Key West, Fla., to all foreign nations an invitation to visit that city and participate in the celebration of the completion of the Florida East Coast Railway Co.'s line connecting the mainland of the United States with the said island city of Key West, both by their official representatives and citizens generally, and particularly to invite such foreign countries to send such of their respective naval vessels as may be practicable and convenient to participate in such celebration so to be held, beginning on the 2d day of January, A. D. 1912: *Provided*, That before the extending of said invitations the President shall be satisfied that suitable provisions have been made by said city for the entertainment of the parties or representatives of such Governments or countries so invited.

Resolved further, That the President be, and he is hereby, requested to direct such portion of the Army and Navy of the United States as may be convenient and practicable to be present at Key West at the time of such proposed celebration and participate therein.

Resolved further, That under no circumstances is the United States to assume, be subject to, or charged with any expense of any character whatsoever in or about or connected with such proposed celebration.

Mr. HEFLIN. Mr. Speaker, this is practically the same resolution——

The SPEAKER. If the gentleman will suspend for a moment. The request of the gentleman from Alabama is that the House resolution lie on the table and that the Senate resolution just

read by the Clerk be substituted for it. Is there objection? [After a pause.] The Chair hears none. The Chair will now inquire of the gentleman from Illinois——

Mr. MANN. Mr. Speaker, I make the same point of order.

The SPEAKER. The Chair will be pleased if the gentleman will restate it.

Mr. MANN. First, that the resolution must go on the Union Calendar and be considered in the Committee of the Whole House. Second, that Congress can not by a concurrent resolution direct the President to do anything. The resolution in its present form is in violation of the statute, and I simply lay the matter before the Chair. This is a concurrent resolution. There is on the calendar a joint resolution reported from the same committee covering identically the same question at another place. Just what distinction the Committee on Industrial Arts and Expositions makes between a concurrent resolution to have the President do something, a concurrent resolution not requiring the signature or approval of the President in the one case, and a joint resolution which does require the approval of the President in the other case, I do not know.

It does not seem to me that the House and Senate combined can by a concurrent resolution give the President authority to do anything. It is true that the resolution only provides that the President is requested to extend to all foreign nations an invitation, but the President derives his authority from the action of Congress. Without the action of Congress the President has no authority to extend the invitation, and the action of Congress means a resolution passed under the Constitution, and a resolution passed under the Constitution must be presented to the President for approval or disapproval. But under the practice a concurrent resolution is not considered a resolution affecting anything outside of the mere matter of procedure in the two Houses of Congress; is not a resolution under the Constitution; it is not required to be presented to the President for approval or disapproval. If the gentleman desires to make his resolution a joint resolution, I do not know that I should object to the request. As to whether the resolution has to be considered in Committee of the Whole, the third clause of the resolution, which has "resolved further" in it, although the statutes, in the case of a joint resolution, at least, would forbid the use of the resolving clause more than once, is—

that under no circumstances is the United States to assume, be subject to, or charged with, any expense of any character whatsoever, in or about, or connected with such proposed celebration.

Apparently, that would prevent this resolution causing any expenditure of money or making any charge upon the Treasury, and yet, if you will notice the resolution, it is simply in connection with the celebration, because the second clause of the resolution directs the President to send the Army and Navy to Key West, and that means necessarily an expenditure of money. Neither the Army nor the Navy can be sent to Key West without incurring obligations for that purpose.

Mr. GARRETT. There have been resolutions passed in the House without being considered in Committee of the Whole that did that, have there not?

Mr. MANN. It is very likely. I do not recall them at this time.

Mr. GARRETT. My recollection is, although I may be in error about it, that the resolution authorizing the President to invite the navies of the world to the Jamestown Exposition passed through the House and was not considered in Committee of the Whole. I may be mistaken about it.

Mr. MANN. I will assume, for the purpose of argument, that it did pass through the House without being considered in Committee of the Whole. But the gentleman will recollect that it cost the Government several hundred thousand dollars afterwards, and that is simply proof of what I am saying, that the necessary effect is the incurring of obligations and the expenditure of money.

Mr. GARRETT. I think the point of order was made then and overruled, but I am not certain about it. I believe it was.

Mr. MANN. I will say to the gentleman from Alabama, so far as I am personally concerned, while I really object to the merits of the proposition in that it says that the Government shall incur no expense, I think when the Government of the United States asks its naval officers to go to a place to meet other naval officers of other navies at the expense of our naval officers, and we are too niggardly to pay the expense ourselves out of the Treasury, we are too niggardly to extend the invitation. Here is a case where we propose to send our Navy and ask other navies to come. We know that that means that our naval officers must entertain the naval officers of the other navies at their own personal expense, receiving not a dollar out of the Treasury. In some cases where such things have been done it has bankrupted the naval officers. The officers of a vessel giving an entertainment or a dinner, and paying for it themselves, as the officers feel they must do, means that they have to pay out large sums of money. However, I will say to the gentleman from Alabama, that if he will change this to a joint resolution, so it would be of some effect, I will withdraw the points of order.

Mr. HEFLIN. Mr. Speaker, replying to the gentleman from Illinois, who really has no objection, I believe, to the passage of the resolution, since it carries no appropriation whatever, I wish to say it does not take one dollar out of the Treasury. It merely requests the President of the United States to extend this invitation, but he does not even have to do that unless he wishes to do so.

This resolution has in it a courtesy that this Congress can extend to the people of Florida in the celebration of the completion of a great engineering enterprise there, and my friend from Illinois [Mr. MANN] has made no argument that would sustain his point of order. He suggests that we ought to pay the expenses when any part of the Navy is called out on occasions like this. Why, Mr. Speaker, if that resolution had an appropriation in it of $5, the minority leader would now be throwing fits in the aisle over by the door. [Laughter on the Democratic side.]

When it is cold, he wants it hot;
He is always wanting what is not.

[Laughter.]

Now, Mr. Speaker, if there is no one else who wants to oppose the resolution, I do not care to discuss it further.

The SPEAKER. The Chair would like to ask the gentleman from Alabama a question. Section 3 of Rule XXIII reads in this wise:

All motions or propositions involving a tax or charge upon the people; all proceedings touching appropriations of money, or bills making appropriations of money or property, or requiring such appropriation to be made, or authorizing payments out of appropriations already made, or releasing any liability to the United States for money or property * * * shall be first considered in a Committee of the Whole.

Mr. HEFLIN. Now, Mr. Speaker, this resolution especially provides that no expense shall be incurred by the Government under any circumstances. That is part of the resolution.

The SPEAKER. The Chair wants to ask the gentleman from Alabama about the suggestion of the gentleman from Illinois [Mr. MANN], that while no appropriation is specifically prohibited, it still costs something to send this fleet round about.

Mr. HEFLIN. I wish to say, Mr. Speaker, in response to that, that the South Atlantic Squadron is always down in that section, and it would not cost the Government anything in addition to regular or ordinary expenses.

Mr. CLARK of Florida. It would not cost anything; not a cent.

Mr. HEFLIN. No; it would not cost anything.

Mr. SPARKMAN. Mr. Speaker——

Mr. HEFLIN. Mr. Speaker, I yield five minutes to the gentleman from Florida [Mr. SPARKMAN].

The SPEAKER. The gentleman from Alabama has no time to yield. This is a question of order.

Mr. SPARKMAN. It is to that I wish to address myself.

The SPEAKER. Does the gentleman from Florida wish to address himself to a question of order?

Mr. SPARKMAN. Yes. I wish to speak on the point of order made by the gentleman from Illinois [Mr. MANN], on the ground that this resolution provides for the expenditure of money on the part of the Government. As to that, I wish to say that if this resolution means anything in the world, it means that the Government is to expend nothing whatever upon the celebration contemplated by the resolution. The language is very plain and means what it says. Now, what will be the result? The President of the United States, if this resolution is passed, will not be directed to do anything, but will only be requested to extend an invitation to foreign countries to participate in the way pointed out, the Government to be put to no expense by way of entertainment or otherwise. What else is he to do? He is to cause a portion, or such portions of the Army and the Navy as he may see proper—I do not know that I am quoting the exact language—to be sent to Key West, again without expense to the Government. The result will be that either the Government will not spend anything for sending them, or else the troops and vessels will not go there, for the President, if any expense is to be incurred, would not send them, if he follows the directions in this resolution.

And I want to say here that Key West, and not only Key West, but the greater part of this railroad, the completion of which is to be celebrated, is in the district which I have the honor to represent here, and I know the people there, and I know full well that when they extend an invitation to anybody they are prepared to meet and will meet all the expenses inci-

dent upon the visit their invited guests may make, no matter whether they be their own fellow citizens or representatives of foreign countries.

Now, when the President comes to send out this invitation on behalf of the people of Key West or comes to consider the question of sending a part of the Navy or of the Army to Key West, he may, if he so desires, require specific assurance that the funds which the Government might otherwise have to pay will be forthcoming, and there is nothing in this resolution which will force him to do it until he is satisfied that all expenses will be met. As for myself, knowing those people as I do, knowing them to be among the most hospitable, the most generous, and enterprising people in the world, I should require nothing by way of a guaranty save their word, already given, that these expenses would be met by them. Indeed, to me the fact they extend the invitation, even though it be through the President, would furnish ample assurance that the expenses incident to the visit would be met by them.

I know something of affairs like this, Mr. Speaker, because I have had to do with just this class of celebrations before. We have had several such in the city of Tampa, my home town, where the President of the United States, through the War Department, has been called upon to send a portion of the Army and of the Navy to participate in fairs and exhibitions held there; and in one case at least troops were sent there at the expense of the promoters of the exposition.

Mr. COOPER. Mr. Speaker, I desire to ask the gentleman from Florida a question.

The SPEAKER. Does the gentleman from Florida yield to the gentleman from Wisconsin?

Mr. SPARKMAN. Certainly.

Mr. COOPER. Is the East Coast Railroad Co. a private corporation?

Mr. SPARKMAN. It is a quasi-public corporation—public in the sense that all railroad corporations are public corporations.

Mr. COOPER. Its business is the carrying of freight and passengers for money, is it not?

Mr. SPARKMAN. Certainly.

Mr. COOPER. Earning dividends for its stockholders?

Mr. SPARKMAN. I suppose so.

Mr. COOPER. The Government of the United States is not interested in it, through any land grant or any contribution of money, is it?

Mr. SPARKMAN. None whatever, so far as I know.

Mr. COOPER. It is purely private?

Mr. SPARKMAN. It is purely private, in that sense, I fancy.

Mr. COOPER. Does the gentleman know when any other purely private corporation, having finished a big job like this, or a dry-goods company, or a railroad company, or any other kind of private concern, has had the Army and the Navy sent to celebrate its completion and the nations of the world have been invited?

Mr. SPARKMAN. No; I do not know of any, nor does the gentleman know of any proposition like this, for the simple reason that there has never before been such an undertaking recorded in the engineering history of the world. There has never been anything like it anywhere, and if there has ever been a project conceived by a private individual and carried out by private enterprise, railroad or other engineering work, that should challenge the patriotic consideration of this House and of the whole country, it is this project. [Applause.] I should be surprised if anyone here would refuse or fail to vote for this resolution, which simply undertakes to stamp the approval of Congress and of the Executive upon a proposition to celebrate the completion of a great enterprise like this, national in its character, when the Government is to be at no expense.

Mr. Speaker, as I said at the outset, this resolution provides that the Government shall be at no cost in accepting and in carrying out the provisions of the resolution, and if that means anything in the world, it means what it says and nothing else. The Government must pay the officers of the Navy and the Army. It must pay the soldiers and sailors, it must feed them, whether they are in Key West or elsewhere. Some portion of the fleet is always in these waters, and especially in the winter, some portion of the Army at all times within easy reach, and I undertake to say that every dollar necessary to meet the expense of transporting any troops that will be sent there will be furnished by the people of Key West. [Applause.] I therefore insist that the point of order is not well taken.

Mr. Speaker, I have said that this project, the completion of which is to be celebrated in Key West next January, is the greatest event conceived or undertaken by a private individual, and so it is. There is nothing like it recorded in the history of the world. Railroads have been built across continents and through wild and unsettled portions of the country. They have been driven under great rivers, through mountains, and over their highest ranges, but never before has one been constructed far out over the sea. Starting near the southernmost portion of the mainland of Florida, this road has been built over keys and channels and islands to Key West, more than 125 miles away, and that, too, in a manner so substantial that a train of cars laden with freight and passengers may be run as safely over those storm-swept seas as it might on the mainland of Florida or any other State in the Union. Certainly, a work like this, illustrating, as it does in such a marked degree, that spirit of enterprise, distinctly American, which has made of this in a little more than a century the greatest Nation of the world, may be considered national in its character and worthy of recognition by the great American Congress, at least to the extent that the passage of this resolution would give it recognition.

But, Mr. Speaker, there is another feature that makes the completion of this road a matter of national importance. The island of Key West is a point of great strategic importance from a naval and military standpoint. The city of Key West is the most southerly city in the United States and with a large and commodious harbor capable of great development at reasonable cost when results are considered. Lying within 6 hours run of the island of Cuba and within 24 of the western end of that island, a fleet assembled in her waters can easily command both the straits of Florida and the Yucatan Channel, and thus render safe from every foe the commerce of the Gulf, besides being in a position to render valuable aid in the protection of the Panama Canal. Her importance in that regard was early in her history recognized by the United States Government, for as far back as 1822, three years after Florida became a possession of the United States, a naval station was established at Key West, where it has been maintained ever since, and that, too, while the only means of reaching that station has been by water. Assuredly a project which will unite this island with the mainland by rail is national in its character and should receive even more encouragement than that which this resolution provides. I trust there may on the final vote be no opposition to the resolution.

Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The SPEAKER. The point of order is overruled. [Applause.]

Mr. HEFLIN. Mr. Speaker, I move to strike out all the resolving clauses in the Senate resolution after the first one.

The SPEAKER. The gentleman from Alabama moves to strike out the two superfluous clauses. The question is on the amendment.

Mr. MANN. Mr. Speaker, I am not entirely certain that the House ought to pass this resolution. I appreciate the desire of the people of Florida to celebrate the extension of the railroad connecting the Keys with the mainland. And yet this is purely a private enterprise, practically the enterprise of one citizen.

Mr. HEFLIN. Mr. Speaker, the motion I made was to strike out the superfluous resolves, and I would like to know under what head the gentleman is speaking.

Mr. MANN. I was under the impression that when the gentleman offered an amendment he yielded the floor.

The SPEAKER. The gentleman from Alabama had yielded the floor, because the Chair had started to put the question. The gentleman from Illinois has the floor in his own right.

Mr. HEFLIN. I make the point of order that the gentleman is not discussing the question before the House.

Mr. MANN. I fail to understand how it is possible to discuss a motion to strike out a portion of the resolution without discussing the paragraph.

The SPEAKER. The point of order is overruled.

Mr. MANN. Mr. Speaker, I have no intention of taking up the time of the House unnecessarily, I am simply calling the attention of the House to the fact that in times past we have almost run riot on the subject of exhibitions and expositions, but so far as my memory serves me this is the first time in the history of the House when it has been proposed to send the Army and the Navy at the expense of the Government to celebrate the completion of a private railroad. If that is the economy of the Democratic House, make the most of it. We have heard a great deal about how the Democratic House proposed to economize, and yet the first substantial piece of legislation almost is to send the Army and the Navy to this place—sending the Army over this railroad—at the expense of the Government to celebrate the opening of a Standard Oil railroad. [Applause on the Republican side.]

Mr. HEFLIN. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Speaker, I am not in sympathy with the purpose of this resolution, but I do not believe the criticisms of the gentleman from Illinois are well founded. This does not compel the Army and the Navy to be sent to this private celebration. That responsibility will be on the President of the United States. Some gentlemen believe that it will help their section of the country to have this celebration. I am not so sure that it would not be just as desirable to send part of the Navy down to the east coast of Florida to participate in this movement in an effort to develop that section of the country, as it would to have it spend the summer along the New England coast booming summer resorts. [Laughter on the Democratic side.] If such favors are to be granted, let them be distributed fairly and equally, and if the Executive desires to take the responsibility for the present practice of having the Navy spend its summer along the New England coast in order to boom summer resorts, it might not be unwise to have it help celebrate the completion of this railroad, even if it is done under private auspices. [Applause on the Democratic side.]

Mr. HEFLIN. Mr. Speaker, if no one else wishes to be heard, I move the previous question on the resolution and amendment to its final passage.

The previous question was ordered.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Pages 1 and 2, strike out the resolving phrase on both pages.

Mr. MANN. Mr. Speaker, I am perfectly willing that the amendment should be changed, although the gentleman has no authority to make any change after the previous question is ordered. He does not want to strike out the resolving clause on the first page.

Mr. HEFLIN. Mr. Speaker, I ask unanimous consent to modify the amendment.

The SPEAKER. The gentleman from Alabama asks unanimous consent to modify his amendment by striking out the two superfluous resolving clauses, the second and third. Is there objection?

There was no objection.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question is on agreeing to the Senate resolution as amended.

The question was taken; and on a division (demanded by Mr. MANN) there were 109 ayes and 45 noes.

Mr. MANN. Mr. Speaker, I make the point of order that no quorum is present.

Mr. HEFLIN. Mr. Speaker, I move a call of the House.

Mr. UNDERWOOD. Mr. Speaker, I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. UNDERWOOD. I understand the previous question has been ordered. If the House adjourns now, will this roll call take place the first thing to-morrow morning, to-morrow being Calendar Wednesday?

Mr. MANN. I should think it would take place; it would be merely the roll call.

Mr. UNDERWOOD. On an ordinary day, Mr. Speaker, the previous question having been ordered, this would be the unfinished business, and the roll call would take place the first thing in the morning.

The SPEAKER. Undoubtedly that is correct.

Mr. UNDERWOOD. Of course, the question has never been decided, but I do not understand that the business of Calendar Wednesday interferes with the unfinished business of the day.

Mr. CANNON. Will the gentleman from Alabama allow me to ask him a question?

Mr. UNDERWOOD. Certainly.

Mr. CANNON. Does the gentleman from Alabama wish to intimate that a rule of this House touching the previous question and unfinished business can override the Constitution of the United States?

Mr. UNDERWOOD. I was not aware the Constitution of the United States was involved. I hope the gentleman from Illinois will enlighten me in my ignorance.

Mr. CANNON. It was involved when Calendar Wednesday was held sacred as against the Constitution. [Laughter.]

Mr. UNDERWOOD. Oh, that was only a small portion of the Constitution. Mr. Speaker, I will withdraw my request.

Mr. MANN. Mr. Speaker, the matter is very plain in the rule.

Mr. UNDERWOOD. Mr. Speaker, I have withdrawn the request, and I suggest to my friend from Alabama [Mr. HEFLIN] that he ask for tellers, so as to see whether we develop a quorum or not.

Mr. HEFLIN. Mr. Speaker, I will ask for tellers.

The SPEAKER. The rule provides that whenever a quorum fails to develop on any question, and a quorum is not present and objection is made for that cause, unless the House shall adjourn there shall be a call of the House.

Mr. UNDERWOOD. Mr. Speaker, I suggest this: That the Speaker has not counted to ascertain whether a quorum is present, and has not made the announcement that a quorum is not present. I suggest to the gentleman from Alabama [Mr. HEFLIN], in order to expedite the business of the evening, that he call for tellers, in order that we may get through.

Mr. HEFLIN. Mr. Speaker, I ask for tellers.

Mr. MANN. Mr. Speaker, there is no provision for calling for tellers.

Mr. UNDERWOOD. He has the right to call for tellers.

Mr. MANN. Not when the point of no quorum is made. He has not the right to do anything until we ascertain the presence or the absence of a quorum.

Mr. HENRY of Texas. Mr. Speaker, I suggest that the Chair ascertain whether there is a quorum present.

Mr. MANN. The Chair has already announced.

The SPEAKER. The situation is this, as the Chair remembers it: The Chair announced ayes 109, noes 45. The Chair did not say whether there was a quorum present or not, but every Member understands the multiplication table, and the gentleman from Illinois [Mr. MANN] raised the point of no quorum.

Mr. HEFLIN. Mr. Speaker, it is a fact that a number of gentlemen on this side did not vote either way, and also some on the other side of the House.

Mr. MANN. Mr. Speaker, I have no objection to the Speaker counting a quorum at any time.

The SPEAKER. The Chair will put the question again. Those in favor of the proposition will rise and remain standing until counted. [After counting.] One hundred and thirty gentlemen have voted in the affirmative. Those opposed will rise and remain standing until counted. [After counting.] Forty-seven gentlemen have voted in the negative.

Mr. HEFLIN. Mr. Speaker, I ask for tellers.

Mr. MANN. Mr. Speaker, I make the point that there is no quorum present.

Mr. CULLOP. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CULLOP. I would suggest that in order to determine whether a quorum is present, the Speaker ascertain those who are paired. A number of gentlemen did not vote either way. That is important to determine whether there is a quorum present or not.

Mr. HEFLIN. Mr. Speaker, I will state to the Chair that I counted 26 gentlemen who did not vote.

Mr. MANN. Mr. Speaker, I demand the regular order.

The SPEAKER. Evidently a quorum is not present. The Doorkeeper will close the doors and the Sergeant at Arms will notify absentees. The question is on agreeing to the resolution, and the Clerk will call the roll.

The question was taken; and there were—yeas 139, nays 71, answered "present" 19, not voting 156, as follows:

YEAS—139.

Adair	Dent	Humphreys, Miss.	Rothermel
Adamson	Dickson, Miss.	Jacoway	Rouse
Alexander	Dies	Kahn	Rubey
Allen	Dodds	Kendall	Rucker, Colo.
Ashbrook	Doremus	Kent	Russell
Austin	Driscoll, D. A.	Kindred	Sabath
Bathrick	Dupre	Kinkaid, Nebr.	Scully
Beall, Tex.	Dyer	Kinkead, N. J.	Sheppard
Bell, Ga.	Edwards	Konop	Sherwood
Blackmon	Ellerbe	Lafean	Simmons
Booher	Evans	Lafferty	Small
Borland	Faison	Langham	Smith, N. Y.
Bowman	Farr	Langley	Sparkman
Brown	Ferris	Lee, Pa.	Speer
Buchanan	Fields	Linthicum	Stack
Bulkley	Flood, Va.	Littlepage	Stedman
Burke, Wis.	Foss	Lloyd	Stephens, Cal.
Byrns, Tenn.	Fowler	Lobeck	Stephens, Tex.
Carter	Francis	McCoy	Stevens, Minn.
Catlin	Godwin, N. C.	Macon	Sweet
Clark, Fla.	Goeke	Mays	Switzer
Claypool	Graham	Morgan	Talcott, N. Y.
Clayton	Gregg, Pa.	Morrison	Taylor, Ala.
Connell	Gudger	Moss, Ind.	Taylor, Ohio
Conry	Hamill	Murray	Thayer
Copley	Hamlin	O'Shaunessy	Tribble
Covington	Hammond	Pickett	Turnbull
Cox, Ind.	Hartman	Post	Underhill
Cox, Ohio	Heflin	Raker	Underwood
Crago	Henry, Conn.	Randell, Tex.	Watkins
Cullop	Henry, Tex.	Ransdell, La.	Wedemeyer
Curley	Holland	Reilly	White
Davenport	Houston	Richardson	Wilson, Pa.
Davis, W. Va.	Hughes, Ga.	Roddenbery	Witherspoon
De Forest	Hull	Rodenberg	

NAYS—71.

Burke, Pa.	Guernsey	Maguire, Nebr.	Shackleford
Callaway	Hamilton, Mich.	Mann	Sisson
Campbell	Hanna	Martin, S. Dak.	Sloan
Collier	Hayes	Mondell	Smith, J. M. C.
Cooper	Helgesen	Moon, Pa.	Smith, Saml. W.
Dickinson	Howland	Morse, Wis.	Steenerson
Difenderfer	Hubbard	Mott	Stephens, Miss.
Doughton	Hughes, N. J.	Nelson	Sterling
Driscoll, M. E.	Jackson	Norris	Stone
Dwight	Kennedy	Padgett	Thistlewood
Esch	Kopp	Page	Towner
Floyd, Ark.	Lindbergh	Parran	Utter
Foster, Ill.	Loud	Plumley	Volstead
French	McCreary	Pray	Willis
Garrett	McKinney	Prince	Woods, Iowa
George	McLaughlin	Prouty	Young, Kans.
Good	Madden	Roberts, Nev.	Young, Mich.
Griest	Madison	Saunders	

ANSWERED "PRESENT"—19.

Bartholdt	Hardwick	Howell	Moore, Pa.
Cannon	Hardy	Lamb	Olmsted
Finley	Hawley	McCall	Pepper
Garner	Hill	Malby	Taylor, Colo.
Gray	Hinds	Moon, Tenn.	

NOT VOTING—156.

Aiken, S. C.	Denver	Johnson, S. C.	Porter
Akin, N. Y.	Dixon, Ind.	Jones	Pou
Ames	Donohoe	Kitchin	Powers
Anderson, Minn.	Draper	Knowland	Pujo
Anderson, Ohio	Estopinal	Konig	Rainey
Andrus	Fairchild	Korbly	Rauch
Ansberry	Fitzgerald	La Follette	Redfield
Anthony	Focht	Latta	Rees
Ayres	Fordney	Lawrence	Reyburn
Barchfeld	Fornes	Lee, Ga.	Riordan
Barnhart	Foster, Vt.	Legare	Roberts, Mass.
Bartlett	Fuller	Lenroot	Robinson
Bates	Gallagher	Lever	Rucker, Mo.
Berger	Gardner, Mass.	Levy	Sells
Bingham	Gardner, N. J.	Lewis	Sharp
Boehne	Gillett	Lindsay	Sherley
Bradley	Glass	Littleton	Sims
Brantley	Goldfogle	Longworth	Slayden
Broussard	Goodwin, Ark.	McDermott	Slemp
Burgess	Gould	McGillicuddy	Smith, Tex.
Burke, S. Dak.	Green, Iowa	McGuire, Okla.	Stanley
Burleson	Greene, Mass.	McHenry	Sulloway
Burnett	Gregg, Tex.	McKenzie	Sulzer
Butler	Hamilton, W. Va.	McKinley	Talbott, Md.
Byrnes, S. C.	Harris	McMorran	Thomas
Calder	Harrison, Miss.	Maher	Tilson
Candler	Harrison, N. Y.	Martin, Colo.	Townsend
Cantrill	Haugen	Matthews	Tuttle
Carlin	Hay	Miller	Vreeland
Cary	Heald	Moore, Tex.	Warburton
Cline	Helm	Murdock	Webb
Cravens	Hensley	Needham	Weeks
Crumpacker	Higgins	Nye	Whitacre
Currier	Hobson	Oldfield	Wickliffe
Dalzell	Howard	Palmer	Wilder
Danforth	Hughes, W. Va.	Patten, N.Y.	Wilson, Ill.
Daugherty	Humphrey, Wash.	Patton, Pa.	Wilson, N.Y.
Davidson	James	Payne	Wood, N. J.
Davis, Minn.	Johnson, Ky.	Peters	Young, Tex.

So the concurrent resolution was passed.

The Clerk announced the following additional pairs:

For the balance of the day:

Mr. WEBB with Mr. CANNON.

Until further notice:

Mr. ANDERSON of Ohio with Mr. BINGHAM.

Mr. PUJO with Mr. MCMORRAN.

Mr. HARDWICK with Mr. OLMSTED.

Mr. AIKEN of South Carolina with Mr. AKIN of New York.

Mr. ANSBERRY with Mr. ANTHONY.

Mr. AYRES with Mr. CRUMPACKER.

Mr. BOEHNE with Mr. DALZELL.

Mr. BRANTLEY with Mr. DANFORTH.

Mr. DIXON of Indiana with Mr. DRAPER.

Mr. DONOHOE with Mr. FOCHT.

Mr. MCGILLICUDDY with Mr. WILSON of Illinois.

Mr. WILSON of New York with Mr. WILDER.

Mr. GREGG of Texas with Mr. WARBURTON.

Mr. GOULD with Mr. HINDS.

Mr. THOMAS with Mr. TILSON.

Mr. SMITH of Texas with Mr. SLEMP.

Mr. SIMS with Mr. REES.

Mr. RUCKER of Missouri with Mr. PORTER.

Mr. RAUCH with Mr. PAYNE.

Mr. PETERS with Mr. NYE.

Mr. MOORE of Texas with Mr. MILLER.

Mr. MCHENRY with Mr. MATTHEWS.

Mr. MCDERMOTT with Mr. MCKINLEY.

Mr. KORBLY with Mr. MCKENZIE.

Mr. JONES with Mr. KNOWLAND.

Mr. JOHNSON of South Carolina with Mr. HUMPHREY of Washington.

Mr. JOHNSON of Kentucky with Mr. HIGGINS.

Mr. HOWARD with Mr. HEALD.

Mr. HAY with Mr. HARRIS.

Mr. GLASS with Mr. GREENE of Massachusetts.

Mr. GALLAGHER with Mr. FULLER.

Mr. FITZGERALD with Mr. FOSTER of Vermont.

For the session:

Mr. FINLEY with Mr. CURRIER.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present and the Doorkeeper will reopen the doors. [Applause.]

Mr. SHEPPARD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of certain bills reported from the Committee on Public Buildings and Grounds.

Mr. HEFLIN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HEFLIN. The call is still with the Committee on Industrial Arts and Expositions?

The SPEAKER. It is.

Mr. HEFLIN. If the motion of the gentleman from Texas should prevail, would the call remain with that committee and be taken up again?

The SPEAKER. It would. The gentleman from Texas [Mr. SHEPPARD], chairman of the Committee on Public Buildings and Grounds, moves that the House resolve itself into the Committee of the Whole House on the state of the Union to consider bills from the Committee on Public Buildings and Grounds.

Mr. SHEPPARD. Mr. Speaker, I ask unanimous consent that these bills be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection?

Mr. MANN. You would have to couple with that a request to vacate the order of the House that has been passed.

Mr. SHEPPARD. The order has not been passed.

The SPEAKER. The announcement has not been made. Is there objection?

Mr. MANN. What are the bills?

Mr. SHEPPARD. There are four emergency bills relating to Newark, Ohio——

Mr. HEFLIN. Pending the motion of the gentleman from Texas, I move to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion was agreed to.

Mr. SHEPPARD. The bills relate to Newark, Ohio; Bangor, Me.; Gettysburg, Pa.; and Lynchburg, Va.

Mr. MANN. I have no objection.

The SPEAKER. Is there objection to the request of the gentleman from Texas [Mr. SHEPPARD]? [After a pause.] The Chair hears none. The gentleman will call up the first bill.

SITE FOR PUBLIC BUILDING AT NEWARK, OHIO.

Mr. SHEPPARD. Mr. Speaker, I desire first to call up the bill (H. R. 13276) to provide for the disposal of the present Federal building site at Newark, Ohio, and for the purchase of a new site for such building.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized, in his discretion, to dispose of the present Federal building site near the corner of First and East Main Streets in Newark, Ohio, in such manner and upon such terms as he may deem for the best interests of the United States, and to convey such site to the purchaser thereof by the usual quitclaim deed, the proceeds of the sale thereof to be applied on the purchase of a new site; and to acquire by exchange for such present site, or in part by exchange and in part by purchase, or by purchase, condemnation, or otherwise, a new site for said building, the cost of such new site to be paid from the funds already appropriated or authorized for said building site. Such new site shall be centrally and conveniently located and of such size that an open space of such width, including streets and alleys, as the Secretary of the Treasury may determine, may be maintained about the Federal building when constructed, for the protection thereof from fire in adjacent buildings.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read a third time, and passed.

On motion of Mr. SHEPPARD, a motion to reconsider the vote by which the bill was passed was laid on the table.

PUBLIC BUILDING AND SITE AT BANGOR, ME.

Mr. SHEPPARD. Mr. Speaker, I call up the bill (S. 2055) to provide for the purchase of a site and the erection of a new public building at Bangor, Me.; also for the sale of the site and ruins of the former post-office building.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a suitable site, and to contract, within the limit of cost hereinafter fixed, for the erection and completion thereon of a suitable and commodious building, including fireproof vaults, heating, hoisting, and ventilating apparatus, and approaches, complete, for the use and

accommodation of the post office and other Government offices at Bangor, Me., at a cost for said site and building of not exceeding $400,000.

An open space of such width, including streets and alleys, as the Secretary of the Treasury may determine shall be maintained about said building for the protection thereof from fire in adjacent buildings.

For the purposes aforesaid the sum of $150,000 is hereby appropriated out of any moneys in the Treasury not otherwise appropriated: *Provided*, That the balance of the appropriation heretofore made by the sundry civil act of June 25, 1910, for the retaining wall and approaches at the former post-office building in said city, is hereby reappropriated and made immediately available, in addition to the appropriation hereinbefore made, toward the purposes of this act.

And the Secretary of the Treasury is further authorized and directed to sell, in such manner and upon such terms as he may deem for the best interests of the United States, the site and remains of the former post-office building in said city recently destroyed by fire; to convey the last-mentioned land to such purchaser or purchasers by the usual quit-claim deed, and to deposit the proceeds derived from such sale in the Treasury of the United States as a miscellaneous receipt.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was read a third time, and having been read a third time, was passed.

On motion of Mr. GUERNSEY, a motion to reconsider the vote by which the bill was passed was laid on the table.

PUBLIC BUILDING AT GETTYSBURG, PA.

Mr. SHEPPARD. Mr. Speaker, I desire to call up the bill (H. R. 13277) to increase the limit of cost of the public building authorized to be constructed at Gettysburg, Pa.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the limit of cost fixed by the act of Congress approved for the erection and completion of a suitable building, including fireproof vaults, heating and ventilating apparatus, and approaches, complete, for the use and accommodation of the United States post office and other governmental offices at Gettysburg, Pa., be, and the same is hereby, increased from $100,000 to $117,000.

Also the following committee amendment was read:

Insert in line 4, before the word "for," the words "June 25, 1910."

The SPEAKER. The question is on agreeing to the committee amendment.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read a third time, and passed.

On motion of Mr. SHEPPARD, a motion to reconsider the vote by which the bill was passed was laid on the table.

PUBLIC BUILDING AT LYNCHBURG, VA.

Mr. SHEPPARD. Mr. Speaker, I desire to call up the bill (H. R. 13391) to increase the cost limit of the public building at Lynchburg, Va.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the limit of cost fixed by the act of Congress entitled "An act making appropriations for sundry civil expenses of the Government," and so forth, approved March 4, 1907, for the enlargement, extension, remodeling, or improvement of the post office and courthouse at Lynchburg, Va., be, and the same is hereby, increased by the sum of $30,000, in order to enable the Secretary of the Treasury to substitute stone for brick and stucco above the second-floor level of said building.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. SHEPPARD, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. SHEPPARD. Mr. Speaker, I ask unanimous consent to insert in the RECORD a table prepared by the Supervising Architect of the Treasury, showing the exact status of public buildings now in process of construction by his office. It is a matter of important information to the Members of the House.

Mr. FITZGERALD. What is the purpose of it?

Mr. SHEPPARD. It shows the Members about how soon their buildings may be reached that are now in process of construction, as well as those the plans for which have not yet been drawn.

Mr. HENRY of Texas. The gentleman means in process of construction?

Mr. SHEPPARD. Yes; those in process of construction and those for which the plans have not yet been drawn.

Mr. FITZGERALD. Mr. Speaker, I object for the present.

Mr. SHEPPARD. It is not very long. I will show it to Members desiring to see it if I am not permitted to put it in the RECORD.

Mr. FITZGERALD. I object to putting it in the RECORD.

The SPEAKER. The gentleman from New York objects.

Mr. HEFLIN. Mr. Speaker, regular order.

Mr. MANN. Mr. Speaker, I make the point that there is no quorum present.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted to—

Mr. BOEHNE, indefinitely, on account of sickness.

Mr. ANDERSON of Ohio, indefinitely, on account of the serious illness of his father.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 48 minutes p. m.) the House adjourned until to-morrow, Wednesday, August 16, 1911, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A special message from the President of the United States returning without approval House joint resolution No. 14, to admit the Territories of New Mexico and Arizona as States into the Union on an equal footing with the original States (H. Doc. No. 106); to the Committee on the Territories and ordered to be printed.

A letter from the assistant and chief clerk for Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Cow Head River, Ga. (H. Doc. No. 109); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

A letter from the Secretary of the Treasury, submitting estimate for an appropriation for the current fiscal year to pay arrears of pay, bounty, etc., to soldiers of the Civil War, their widows, and their legal representatives, and for payment of arrears of pay to officers and men for services rendered in the War with Spain (H. Doc. No. 108); to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of the Treasury, submitting an estimate for an appropriation to refund to the Gate of Heaven Church, South Boston, Mass., duty collected on stained-glass windows (H. Doc. No. 107); to the Committee on Appropriations and ordered to be printed.

A letter from the Postmaster General, submitting a report giving the results of the inquiry as to the operation, receipts, and expenditures of railroad companies transporting the mails, and recommending legislation on the subject (H. Doc. No. 105); to the Committee on the Post Office and Post Roads and ordered to be printed.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were thereupon referred as follows:

A bill (H. R. 13649) granting an honorable discharge to James Morris; Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

A bill (H. R. 13644) granting an honorable discharge to James Morris; Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

A bill (H. R. 13608) for the relief of Jeptha B. Harrington; Committee on Invalid Pensions discharged, and referred to the Committee on Claims.

A bill (H. R. 13652) granting an honorable discharge to Morton Sessions; Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. RANDELL of Texas: A bill (H. R. 13674) to provide for the erection of a public building in the city of Commerce, Tex.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 13675) to provide for the erection of a public building in the city of Honey Grove, Tex.; to the Committee on Public Buildings and Grounds.

By Mr. FAISON: A bill (H. R. 13676) for the completion of the dredging of Bay River, in Pamlico County, N. C.; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 13677) providing for a survey of a proposed canal from the navigable waters of Goose Creek to the navigable waters of Jones Bay, in Pamlico County, N. C.; to the Committee on Rivers and Harbors.

By Mr. RICHARDSON (by request): A bill (H. R. 13678) to provide for designating and addressing staff officers of the Navy in the same manner that staff officers of the Army are designated and addressed; to the Committee on Naval Affairs.

By Mr. LOBECK: A bill (H. R. 13679) to amend an act entitled "An act to authorize the receipt of certified checks drawn on national and State banks for duties on imports and internal taxes, and for other purposes," approved March 2, 1911; to the Committee on Ways and Means.

By Mr. SHEPPARD: A bill (H. R. 13680) to provide a plan to permit victims of tuberculosis in the United States to occupy certain portions of the public domain; to the Committee on the Public Lands.

By Mr. MARTIN of Colorado: A bill (H. R. 13681) to amend section 5 of an act entitled "An act to provide for the sale of desert lands in certain States and Territories," approved March 3, 1877, as amended by an act entitled "An act to repeal the timber-culture laws, and for other purposes," approved March 3, 1891; to the Committee on the Public Lands.

By Mr. BYRNS of Tennessee: Resolution (H. Res. 282) requesting the Secretary of the Treasury to furnish certain information; to the Committee on Expenditures in the Treasury Department.

By Mr. FOSTER of Illinois: Resolution (H. Res. 283) to investigate the International Harvester Co. or the International Harvester Co. of America and the various corporations controlled thereby or holding stock therein; to the Committee on Rules.

By Mr. FINLEY: Resolution (H. Res. 284) to print 5,000 copies of Senate Document No. 705, Sixtieth Congress, third session; to the Committee on Printing.

Also, resolution (H. Res. 285) authorizing the printing of public law No. 475, Sixty-first Congress, third session; to the Committee on Printing.

Also, resolution (H. Res. 286) to print 5,000 copies of public law No. 350, Sixtieth Congress, second session; to the Committee on Printing.

By Mr. WILSON of Pennsylvania: Resolution (H. Res. 287) that the Committee on Labor be instructed to investigate labor conditions on the Panama Canal relative to American citizens employed under certain agreements; to the Committee on Rules.

By Mr. FINLEY: Resolution (H. Res. 288) to print 3,000 copies of Senate Document No. 10, Sixty-second Congress, first session; to the Committee on Printing.

By Mr. NORRIS: Joint resolution (H. J. Res. 154) providing for a congress of delegates for the purpose of submitting a uniform law on marriage and divorce to the different State legislatures; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally read as follows:

By Mr. BARNHART: A bill (H. R. 13682) granting an increase of pension to James H. Baird; to the Committee on Invalid Pensions.

By Mr. BORLAND: A bill (H. R. 13683) granting an increase of pension to Oscar B. Zartman; to the Committee on Pensions.

By Mr. CRUMPACKER: A bill (H. R. 13684) granting a pension to Charles R. Lewis; to the Committee on Pensions.

Also, a bill (H. R. 13685) granting a pension to Hiram Cadwell, alias Hiram Wilson; to the Committee on Invalid Pensions.

By Mr. FAISON: A bill (H. R. 13686) for the relief of Maj. Paul C. Hutton, United States Army; to the Committee on Claims.

By Mr. GOULD: A bill (H. R. 13687) granting a pension to Gideon F. Pond; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13688) granting an increase of pension to Adaline R. Springer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13689) granting an increase of pension to Timothy Higgins; to the Committee on Invalid Pensions.

By Mr. HARTMAN: A bill (H. R. 13690) granting an increase of pension to James Potter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13691) granting an increase of pension to Marcus L. Barker; to the Committee on Invalid Pensions.

By Mr. LANGHAM: A bill (H. R. 13692) granting an increase of pension to William J. Mogle; to the Committee on Invalid Pensions.

By Mr. McCOY: A bill (H. R. 13693) for the relief of Robert Hamilton McLean; to the Committee on Naval Affairs.

By Mr. McKINLEY: A bill (H. R. 13694) granting a pension to William B. Sims; to the Committee on Invalid Pensions.

By Mr. MACON: A bill (H. R. 13695) granting a pension to Sallie A. Lucas; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13696) granting an increase of pension to John C. Williams; to the Committee on Invalid Pensions.

By Mr. PADGETT: A bill (H. R. 13697) granting an increase of pension to Henry T. Berryman; to the Committee on Invalid Pensions.

By Mr. PALMER: A bill (H. R. 13698) granting a pension to Simon P. Kieffer; to the Committee on Pensions.

By Mr. RUBEY: A bill (H. R. 13699) granting a pension to Phoebe F. Phillips; to the Committee on Pensions.

Also, a bill (H. R. 13700) granting a pension to Lawson Thompson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13701) for the relief of Elizabeth Pumphrey; to the Committee on War Claims.

By Mr. SHARP: A bill (H. R. 13702) granting an increase of pension to Frederick A. Miller; to the Committee on Invalid Pensions.

By Mr. STONE: A bill (H. R. 13703) granting a pension to Archie Farmer; to the Committee on Pensions.

By Mr. UTTER: A bill (H. R. 13704) granting an increase of pension to Elizabeth Gregg; to the Committee on Invalid Pensions.

By Mr. WILSON of Pennsylvania: A bill (H. R. 13705) to correct the military record of Charles Clark; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALEXANDER: Resolution of Local Union 298, United Mine Workers of America, of Richmond, Mo., in favor of House bill 13114; to the Committee on Pensions.

By Mr. BURKE of Wisconsin: Papers to accompany House bill 12742; to the Committee on Invalid Pensions.

By Mr. DAVIS of West Virginia: Petitions of J. D. Merriman and others, of West Virginia, favoring a reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. DICKINSON: Petitions of numerous citizens of Appleton City and Montrose, Mo., protesting against the establishment of a parcels post; to the Committee on the Post Office and Post Roads.

By Mr. HENRY of Texas: Petition of citizens of McGregor, Tex., protesting against the enactment of a parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. O'SHAUNESSY: Resolution of Rhode Island State Board of Health, protesting against the removal of Dr. Harvey W. Wiley; to the Committee on Expenditures in the Department of Agriculture.

By Mr. PADGETT: Papers to accompany bill granting an increase of pension to Henry T. Berryman; to the Committee on Invalid Pensions.

By Mr. SIMS: Petitions of residents of Bethel Springs, Camden, Huntington, Lexington, and Selmer, Tenn., protesting against the enactment of a parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. UTTER: Papers to accompany bill granting an increase of pension to Elizabeth Gregg; to the Committee on Invalid Pensions.

SENATE.

WEDNESDAY, *August 16, 1911.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

Mr. HEYBURN. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Senator from Idaho suggests the absence of a quorum, and the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bailey	Clark, Wyo.	Jones	Smith, Mich.
Borah	Crawford	Lippitt	Smoot
Bourne	Culberson	Myers	Stephenson
Brandegee	Cullom	Nelson	Taylor
Bristow	Cummins	Nixon	Townsend
Brown	Dillingham	Oliver	Warren
Burnham	Gamble	Page	Wetmore
Burton	Guggenheim	Paynter	Works
Clapp	Heyburn	Perkins	

The VICE PRESIDENT. Thirty-five Senators have answered to the roll call—not a quorum.

Mr. SMOOT. I ask that the names of the absentees be called.